

August 7, 2015



SEATTLE
PUBLIC
SCHOOLS

Delivered via Email and Regular/Certified Mail

Nell K. Niewiadomski

RCW 42.56.230(3)

Re: Written Reprimand

Dear Ms. Niewiadomski:

This letter is to advise you of my determination, as Superintendent of Seattle Public School District ("District"), that I found sufficient evidence to impose a written reprimand for your conduct during the course of your certificated teaching duties at Ballard High School, while on an overnight field trip to Deception Pass on May 17 – 19, 2015. I conclude that your conduct violated Policy 5006 – Unprofessional Conduct of Staff, and Policy 2320 - Field Trips and Excursions, and the "Guidelines for Volunteer Chaperones – Overnight Field Trips and Excursions" by leaving five students behind at a campsite without a District approved chaperone, by failing to transport them safely back to Ballard High School after the field trip, and by failing to determine whether your Principal had approved the change in plans of the field trip. This letter serves as a Written Reprimand for your conduct.

You received a letter on June 18, 2015, that advised you of the District's recommendation that probable cause existed to impose a five day suspension for your conduct. You were invited to meet with me to discuss the proposed suspension.

A meeting was held in my office on July 7, 2015. I met with you, your Seattle Education Association UniServ Representative Tim Kopp, and Ballard High School teachers India Carlson and Barb DeNormandie. Also in attendance were Keven Wynkoop, Principal of Ballard High School, Mark Yamashita, Interim Director of Labor and Employee Relations, and Labor and Employee Relations Manager Elaine Williams. During the meeting you explained that you were a last minute substitute chaperone for another female chaperone that could not make the trip. You were told by the lead chaperone, Noam Gundle, what your responsibilities as a chaperone would be on this field trip. You drove students to the campsite, you stayed with them at the campsite, and you drove students back to Ballard High School. During this meeting both teachers spoke up in your behalf, as did the UniServ Representative.

You admitted that you should have spoken up when Mr. Gundle had decided to leave the students behind, and that if you were the lead, you would have stayed behind or taken everyone home. In an email exchange with the investigator you implied that you had submitted field trip forms, including the Guidelines for Volunteers-Overnight Field Trips, to Gundle prior to the trip. You subsequently informed the investigator that you did not receive, read or sign the form, and that had you done so, you would have questioned Gundle's decision to leave the students at the camp. You were aware that students had driven their personal vehicles to the campsite, but that you believed the lead chaperone had worked out all the details and approvals. You said that you had understood the field trip would end on Monday, May 18, and that you assumed everyone would be returning to Seattle that same evening. You became aware, on that last day of the field trip, that some students were staying at the campsite after the trip was over, but you had assumed the lead chaperone had worked out the details for that as well, and you did not question his decision to allow the five students to remain at the campsite when you left. You admit that you should have spoken up and questioned Gundle about

leaving the students behind and said that, if you had been the lead chaperone, you would have stayed behind or taken everyone home.

You were not the lead chaperone, and as such, I have concluded that you did not have the same responsibilities as the lead. There is no District policy expecting a District employee who is not a lead chaperone to assume the same level of responsibility as the lead. Had there been such a policy, you would have had no excuse not to have raised concerns about leaving the students at the campsite. This was your first overnight field trip and Gundle had far more experience than you in chaperoning field trips. I find that it was not unreasonable for you to have assumed that the lead chaperone would have obtained the required approval for all the questionable things that happened during the course of the field trip. However, it would be expected for you and any staff to take the initiative to raise concerns if you had reason to believe that student safety may be at risk. I am not aware of any reason why you could not have returned back to the campsite, after you had returned the other students safely back to Ballard High School, to act as a chaperone for those left behind. Instead, you chose to leave the students, a decision which violated District policy and guidelines and potentially put students at risk of physical harm.

The purpose of this disciplinary action is to underscore the seriousness of your conduct and the District's resolve that you will never again engage in behavior that may physically put students at risk. I am issuing a Written Reprimand because of the mitigating circumstances of your relative inexperience as a District teacher serving as a chaperone on an overnight field trip, and the fact that you may not have received the proper guidelines for chaperones on overnight field trips. This Written Reprimand is meant to underscore the seriousness of your conduct and inform you that any future instances of similar behavior will result in additional progressive disciplinary action, up to and including termination of your employment.

Please be aware that I am required by the Office of the Superintendent of Public Instruction to notify the Office of Professional Practices that I have reasonable reason to believe that you have committed violations of the Code of Professional Conduct. As such, a separate letter will be sent to OSPI informing them of my decision and your actions.


Respectfully,



Dr. Larry Nyland
Superintendent

Cc: Keven Wynkoop, Principal, Ballard High School
Jon Halfaker, Executive Director of Schools
Mark Yamashita, Interim Director of Labor and Employee Relations
Elaine Williams, Manager of Labor and Employee Relations
Tim Kopp, SEA UniServ Representative
Personnel file

Attachments: Policies


	UNPROFESSIONAL CONDUCT OF STAFF	Policy No. 5006 January 22, 2014 Page 1 of 3
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The School Board recognizes its responsibility to protect students, staff, parents/guardians, and volunteers from physical and/or emotional harm at school and at school-sponsored events.

A. CERTIFICATED STAFF

Pursuant to state law, certificated staff are required to exhibit "good moral character and personal fitness" as they teach, supervise students, or interact with others and are prohibited from engaging in unprofessional conduct. "Good moral character and personal fitness" is defined in WAC 181-86-013. Unprofessional conduct includes, but is not limited to:

1. Violation of written contract;
2. Crimes against children as listed in RCW 26A.400.322;
3. The physical injury of children;
4. Sexual misconduct with children or students;
5. Misrepresentation or falsification in the course of professional practice (i.e., any falsification or deliberate misrepresentation, including omission, of a material fact by an education practitioner, including but not limited to: (i) statement of professional qualifications; (ii) application or recommendation for employment, promotion, certification, or an endorsement; (iii) application or representation for college admission, scholarship, grant, award, or similar benefit; (iv) representation of completion of in-service or continuing education credit hours; (v) evaluation or grading of students and/or personnel; (vi) financial or program compliance reports submitted to agencies; and (vii) information submitted to OSPI or law enforcement related to an official investigation.
6. Possession, use, consumption, or being under the influence of alcohol or of an illegal and/or controlled substance, including marijuana (cannabis), on school premises or at a school-sponsored activity involving students (possession of an unopened container of alcohol in a locked motor vehicle is allowed);
7. Disregard or abandonment of generally recognized professional standards (i.e., any performance of professional practice in flagrant disregard or clear abandonment of generally recognized professional standards in the course of: (i) assessing; treating, instructing, or supervising students; (ii) evaluating personnel; or (iii) managing money or property);
8. Abandonment of contract for professional services, including an extracurricular contract;
9. Unauthorized professional practice;

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10. Illegal furnishing of alcohol or an illegal and/or controlled substance, including marijuana (cannabis), to a student;
11. Improper remunerative conduct (i.e., any deliberate act in the course of professional practice that requires or pressures students to purchase equipment, supplies, or services from the educational practitioner in a private capacity); or
12. Failure to report child abuse or neglect under RCW 26.44.

Certificated staff may be disciplined for engaging in unprofessional conduct according to Policy Nos. 5280 and 5281.


When the Superintendent or his or her designee possesses sufficiently reliable information to believe that a certificated employee is not of “good moral character and personal fitness” or has committed an act of unprofessional conduct, within a reasonable period of time of making such determination, a written complaint shall be filed with the Office of Superintendent of Public Instruction.

If the District is considering action to discharge a certificated staff member, the Superintendent or his or her designee need not file such complaint until ten calendar days after making the final decision to serve or not serve formal notice of discharge. Such a written complaint shall state the grounds for revocation and summarize the factual basis upon which a determination has been made that an investigation by the Office of the Superintendent of Public Instruction is warranted.

B. CLASSIFIED STAFF

Although classified employees are not governed by the same state regulations applicable to certificated staff, the District prohibits classified staff from engaging in acts of unprofessional conduct, including but not limited to:

1. Crimes against children listed in RCW 28A.400.322;
2. The physical injury of children;
3. Sexual misconduct with children or students;
4. Providing false information to the District (i.e., timesheets, application materials, formal investigations);
5. Possession, use, consumption, or being under the influence of alcohol or of an illegal and/or controlled substance, including marijuana (cannabis), on school premises or at a school-sponsored activity involving students (possession of an unopened container of alcohol in a locked motor vehicle is allowed);

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6. Disregard or abandonment of generally recognized professional standards when (i) assessing; treating, instructing, or supervising students; (ii) evaluating personnel; or (iii) managing money or property; or
7. Illegal furnishing of alcohol or an illegal and/or controlled substance, including marijuana (cannabis), to a student;

Classified staff may be disciplined for acts of unprofessional conduct according to Policy Nos. 5280 and 5281.

Adopted: April 2012

Revised: January 2014


Cross Reference: Policy Nos. 5005; 5280; 5281

Related Superintendent Procedure:

Previous Policies:

Legal References: RCW 28A.400.320 Mandatory termination of classified employees; RCW 28A.405.470 Mandatory termination of certificated employees; RCW 28A.410.090 Revocation of Authority to teach — Method — Grounds; RCW 28A.410.100 Revocation of authority to teach — Hearings and appeals; RCW 28A.410.110 Reinstatement prohibited for crimes; WAC 181-79A Standards for teacher, administrator, and educational staff associate certification; WAC 181-86 Professional certification — Policies and procedures for administration of certification proceedings; WAC 181-87 Professional certification — Acts of unprofessional conduct; WAC 181-79A-155 Good Moral Character and Personal Fitness — Necessary supporting evidence applicants

Management Resources: *Policy News*, February 2013

 <p>SEATTLE PUBLIC SCHOOLS</p>	<p>FIELD TRIPS & EXCURSIONS</p>	<p>Policy No. 2320 September 9, 2014 Page 1 of 1</p>
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The Board recognizes that field trips, when used as a device for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Such trips can supplement and enrich classroom procedures by providing learning experiences in an environment beyond the classroom.

Field trips which take students out of the state or are planned to keep students out of the district overnight must be approved in advance by the Superintendent or his/her designee. The Superintendent or his or her designee has the authority to approve or deny all other field trips.

The Superintendent or his/her designee is granted the authority to develop administrative guidelines for the operation of field trips which shall ensure that the safety of the student shall be protected and that parent permission is obtained before the student leaves the school. Each field trip must be integrated with the curriculum and coordinated with classroom activities which enhance its usefulness. Private vehicles may be used to transport students if approval is obtained in advance from the principal.

No staff member may solicit students for any privately arranged field trip or excursion without the principal's permission.

Adopted: December 2011

Revised: September 2014

Cross Reference: Policy Nos. 6625; 3520

Related Superintendent Procedure:

Previous Policies: C30.00

Legal References: RCW 28A.330.100(5) Additional powers of board; RCW 67.20.020 Parks, bathing beaches, public camps — Contracts for cooperation; WAC 181-87-090 Improper remunerative conduct

Management Resources:

<p>Business & Finance</p>	<p>Seattle Public Schools</p> <p>FIELD TRIPS AND EXCURSIONS: General Guidelines and Procedures for All Field Trips</p>	<p>Administrative Procedure 2320-A</p> <p>9/25/2014</p> <p>Page 1 of 8</p>
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This Administrative Procedure provides instructions for implementing School Board Policy 2320 – Field Trips and Excursions.

This procedure **MUST be read in its entirety first** by Principals (or the District Department sponsoring the trip) and chaperones as it outlines important guidelines and procedures for all field trips. After reading this entire procedure, please refer to the procedure appropriate for your type of trip for further details on guidelines, procedures, and permission forms.

Principals (and/or the District Department sponsoring the trip) are responsible for ensuring that all field trip policies and procedures as outlined in all of the field trip procedures are adhered to.

Transportation for field trips **must** be arranged in accordance with District procedures, including Transportation of Students, Volunteer Driver Checklist and the Transportation Department's guideline Field and Athletic Trips.

Types of Field Trips

A field trip is **school-sponsored** if school or ASB funds pay for the activity, it is part of the educational process (e.g. there is any relationship between participation and grades or credit for a class), or it is supervised or staffed by school employees during their contract year. All school-sponsored field trips must be approved in writing by school administration, Executive Director of Schools, risk management and/or the Superintendent as required under these procedures.

For school-sponsored field trips, no qualified student who is member of the group making the trip shall be prevented from participation due solely to a lack of funds. If families are being asked to contribute to the cost of the field trip, the school must ensure that fundraising opportunities or scholarships are made available to assist students whose families' financial circumstances do not allow them to contribute the full amount. If students do not qualify for field trip participation based on behavioral or disciplinary actions or academic standing, alternative educational opportunities will be made available to them at the school during regular school days.

A field trip is **privately sponsored** if no school funds, equipment or materials are used; the field trip does not occur during school hours; and the school or the district are not named in promotional materials. All such materials should include clear and prominent notice that the trip is not sponsored by the school or the District. Planning or organizational meetings for privately sponsored field trips should be held off-site or, if at the school, according to the public use of school facilities guidelines. Enrollment at the school should not be a requirement for participation in privately sponsored field trips.

NOTE: Promotion of a privately-sponsored field trip by a teacher in his or her classroom or elsewhere during class time is, in most cases, a violation of the District Ethics Policy, Section 4.f. (Misuse of Position). Such violations will be reviewed for disciplinary action.

If a trip is privately-sponsored, the individual organizing the trip will assume all responsibility for the safety of participants and may be personally liable for any incidents or injuries that occur. **Approval by the District is not required and the District will assume no liability for these trips. None of the remaining guidelines in this Administrative Procedure need to be applied to privately-sponsored trips.**

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SPS has divided school-sponsored field trips into three types: 1) Day Field Trip, 2) Overnight Field Trip, and 3) International Field Trip. This division ensures that permission forms and procedures are directly relevant to the type of trip and activities students will be engaged in.

For more information about the type of field trip you are planning and permission forms, refer to the applicable procedure listed below:

1. "Day Field Trips," Administrative Procedure 2320-B
2. "Overnight Field Trips," Administrative Procedure 2320-C
3. "International Field Trips," Administrative Procedure 2320-D

Purpose of Field Trips

Field trips provide an important avenue for student learning that complements the classroom experience in critical respects. They can enrich and extend the curriculum and, in doing so, often motivate students. Field trips expose students to new ways of thinking and being that are often best understood when experienced firsthand.

It is important to note the serious obligations that SPS staff members have to ensure that all field trips are not only educationally sound, but also safe and secure learning experiences. To meet this obligation, we must partner with students and families to ensure we understand the responsibilities we share when students are engaged in experiences outside of the classroom. This procedure provides field trip rules and guidelines that will help fulfill this obligation.

Field Trip Categories (A trip often meets more than one category.)

- A. **Curricular/Educational Field Trip:** A field trip that is integral to a specific curriculum unit or serves a broader educational purpose. This might include a focused visit to a college, museum, an historic location, or a nature reserve.
- B. **Cultural Field Trip:** A field trip where the content of the trip is cultural in nature. These field trips might include a visit to a dance or art exhibition or a visit to a foreign country for a language immersion experience.
- C. **Community Building Field Trip:** This type of trip may reinforce relationships in an existing group of students, prepare students for a significant transition into a new structure or community (e.g. students entering grades 6 or 9), help students work collaboratively, or assist in the development of leadership and decision making skills. These trips might include an outdoor education day trip or camping trip experience with an overnight commitment.
- D. **Service Learning Field Trip:** This is a voluntary field trip where students learn the value of helping others in their own community and beyond. These trips show students how empowering service to others is while developing students' leadership skills.
- E. **Athletic Field Trip:** A field trip in which travel (local or out of state) enables a team to participate in athletic training, practice or competition. This might involve varsity, junior varsity, "C" or freshman team competing in WIAA sports and activities, approved club sports teams, or individual competitors qualifying for state or regional competition in those sports.

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General Guidelines for All Types of Field Trips

- **Principals** have the primary responsibility to ensure that all procedures pertaining to field trips are followed by their school.
- Permission for field trips must be in written form only. Without a signed permission slip, the student may not attend the field trip. Trip leaders are responsible for seeing that permission slips are filled out completely and signed by the parent(s)/guardian(s).
- Permission slips are legal documents and may not be altered.
- Permission slips must be used for any excursion that is school-sponsored, including those scheduled on weekends, holidays or during school breaks.
- Retain completed field trip request forms, original permission slips, medical forms, and other signed documents for field trips in the school office. These records must be kept for the current school year plus three additional years after all field trips have occurred.
- A separate parent/guardian permission slip must be obtained and filed for each field trip. There are two categories of exceptions authorized.
 - “Blanket” authorization (i.e. parent/guardian approval through the use of a single form for any trips to be taken on unspecified dates during the school year) is only allowed for walking field trips in the immediate vicinity of the school.
 - “Series” authorization (i.e. parent/guardian approval through the use of a single form listing a series of essentially identical events on specified dates) is only allowed for events in which both the activities and the means of transportation are the same. Examples might include a series of “away” basketball games against other local high schools with yellow bus transportation or a series of parade appearances by a school marching band with approved charter bus transportation.
- Parent/Guardian permission slips **must** be sent home in English and preferably in the language of the home.
- Only parent/guardians are authorized to sign permissions forms. For questions regarding legal guardianship, refer to Legal at 252-0110.
- Staff should be aware that errors, late submissions, and poor security for a field trip at one school or site may have negative side effects on field trips for other schools and students. Therefore forms **MUST** be submitted **AT LEAST 4 weeks in advance for “Day Field Trips” and AT LEAST 12 weeks in advance for “Overnight Field Trips” and “International Field Trips”** to ensure that guidelines are adhered to, safety procedures are followed, and parents, the Principal, and the district are informed and prepared to support the trip. If these deadlines are not met, then a field trip application may be rejected.

These timelines will be waived to allow student participation in competitive events requiring a team to qualify (through earlier rounds of competition) before they are invited or accepted into the event. Examples of this might include athletic competition at the State level, a robotics

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competition at the regional level, or a musical competitions at the national level, While timelines will be waived, other field trip requirements must still be met, which may mean having chaperones pre-screened, tentative travel arrangements in place and other preparation under way before the results of the earlier rounds of competition are known.

Approval and Filing Process for Field Trips

It is necessary that the proper procedures are followed and that copies of all checklists, permission forms, and if applicable, medical forms are kept on file in the school office and when appropriate, filed with the district. Details regarding approval process and record keeping are outlined below:

- "Day Field Trip" forms are submitted to the principal **AT LEAST 4 weeks in advance** (or at the principal's discretion) and approved by the principal; all forms, including signed checklist form, are filed at the school.
- "Overnight Field Trip" forms are submitted to the principal **AT LEAST 12 weeks in advance** and approved by the principal; all forms, including the signed checklist form, are filed at the school; copies of original Overnight Field Trip Request form, signed original checklist page, and other required documents are submitted to the district **AT LEAST 12 weeks in advance** and approved by the appropriate Executive Director and by Risk Management; copies of all forms also filed at the district. Please email or fax the form to the appropriate Executive Director as well as to Risk Management. In addition, please follow up with a phone call or email to ensure documentation has been received.
- "International Field Trip" forms are submitted to the principal **AT LEAST 12 weeks** in advance and approved by the principal; all forms filed at the school; copies of original International Field Trip Request form, signed original checklist page, and other required documents are submitted to the district **AT LEAST 12 weeks in advance** and approved by the appropriate Executive Director, Risk Management and the Superintendent; copies of all forms also filed at the district. Please email or fax the form to the appropriate Executive Director as well as to Risk Management. In addition, please follow up with a phone call or email to ensure documentation has been received.

General Trip Planning Guidelines

- Please note that trip planning timelines (i.e. "Twelve Weeks (Or More) Prior to the Field Trip", etc.) in each procedure chronicle the minimum amount of time for planning. **More time for pre-trip planning is strongly recommended for all types of field trips.**
- Together, principal and trip leader must review and complete the appropriate type of field trip Procedure and Checklist throughout the planning process.
- **The student's and his/her family's ability to pay may not be a criterion for field trip participation. Trips must be open to all students regardless of their financial situation.**
- Sites for field trips should be carefully selected to enrich student learning and increase students' exposure to new people, places, and activities. It is recommended that a school plan its trips from grade to grade and subject to subject to avoid duplication.

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- Discuss with students the trip's purpose and learning goals in the weeks prior to the trip; engage students in activities before, during, and after the trip so that the field trip's learning potential is maximized.
- Teachers and staff at the school should be consulted with and/or informed about the trip well in advance so they may plan their schedules accordingly.
- If applicable, provide alternative arrangements for students not attending the trip or a comparable activity for students unable to participate in a portion of your trip.

Chaperone Guidelines

- At least one chaperone on every field trip must be an SPS employee, from the school or department sponsoring the trip. Other authorized chaperones may include parents and volunteers who are 21 years of age or older in the case of grades K-8 trips, 25 years or older for grades 9-12 trips. The trip leader must be sure that all non-SPS chaperones are familiar with the *Basic Rules of Seattle Public Schools – Code of Prohibited Conduct* and other district and school-based rules of conduct.
- We require that all chaperones have been background checked according to the Volunteer Management Department's Administrative Procedure Volunteer Program. This requires at minimum a WATCH background check for all field trips. (Fingerprinting may be required for overnight/international field trip chaperones. Please allow sufficient time.)
- All chaperones must be oriented to their duties, including a review of the document "Guidelines for Volunteer Field Trip Chaperones" for the appropriate type of trip, a review of the *Basic Rules of Seattle Public Schools - Code of Prohibited Conduct*, and an opportunity to ask the Principal and the Lead Chaperone any questions about school-specific and trip-specific requirements.
- For all field trips, every effort should be made for chaperones to be representative of the student group and include males and females.
- The student-to-chaperone **maximum** ratios must be:
 - Day Field Trips:
 - Grades K-5, 10:1
 - Grades 6 and up, 15:1
 - Overnight Field Trips: 10:1
 - International Field Trips: 10:1

Please note the following: For students with disabilities, the ratio of staff to students must be at least the same as the ratio mandated in their IEPs for their classes.

Safety Guidelines

- The Department of Safety & Security (206-252-0707) must be notified in the event of a serious emergency and should be used as a resource for questions regarding safety on field trips.

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- Review each student's emergency information in the student information system (PowerSchool) to ensure/cross-check accuracy of all field trip permissions and forms.
- Please be specific when completing the "School Portion" of the Parent/Guardian Authorization for Field Trip Form. Parents/guardians must be given sufficient information to understand the nature and scope of the activity(s) and the associated risks.
- All chaperones must carry with them at all times during the trip a copy of the Emergency Action Plan (EAP) (which can be found under the "Day," "Overnight" and "International" procedures) that outlines procedures for calling 911 in the US or the EAP for foreign countries which outlines emergency procedures for the respective country. While an EAP outline is provided in the "International Field Trip Procedure," it is the lead chaperone's responsibility to research the information required for foreign countries. During the trip, a copy of the EAP for the foreign country visited should be left with the Principal.
- Consult with and, when necessary, receive training from and obtain written comments from the school nurse regarding any students who have expressed medical needs (e.g. medication, asthma, allergies, etc.). If any student has a serious medical condition, please be sure that his/her doctor writes a letter indicating that the child may safely attend and participate in trip activities.
- The district reserves the right to require additional training and/or certifications such as CPR/AED and First Aid depending on the location and purpose of the trip.
- The Superintendent reserves the right to cancel any field trip up to and including the day of departure to ensure safety.
- In case of a medical or other emergency, the chaperones must immediately contact Safety & Security, principal, the parent/guardian, and the district (i.e. Executive Director or Superintendent depending on the level of emergency).
- If a principal or lead chaperone finds the behavior of a student unacceptable on a field trip and the student fails to correct his or her behavior, the child may be sent home after notifying his or her parent/guardian. The principal or lead chaperone must document their contact with the parent or guardian.
- Conduct regular "head counts" throughout your trip to ensure that all participants are accounted for.

Prohibited Activities

Certain categories of activity are excluded from coverage under Seattle Public School's insurance program. Non-insured activities that will not be authorized on any field trip include:

- Air or flight activities (other than regularly scheduled commercial flights), including airplane flying, hang gliding, helicopters, hot air ballooning, parasailing, and skydiving.
- Motorized races and contents, including auto racing, soapbox and go-cart racing, demolition contests, stunting and tractor pulls.

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- Maintenance, operation, use, loading or unloading of any aircraft or any motorized vehicle used in races or contests, except for electric-powered endurance activities
- Any activities (rafting, tubing, kayaking, canoeing, etc.) on any body of water that has been designated as Class I through Class VI under the international whitewater classification system.
- Any jet ski or other similar motorized personal watercraft.
- Any watercraft over 26 feet in length, unless in advance of the trip a certificate of insurance has been obtained from the owner/operator of the vessel, showing the name of the insurance carrier and the limits of insurance, which must be at least \$1,000,000 of Protection & Indemnity (marine liability) coverage.

There are many other types of activities that are prohibited or subject to specific approval due to their inherent risks. Please refer to the [School Sponsored Activities Matrix](#) for those activities that are being considered for your field trip. If an activity does not appear on that list and the principal or lead chaperone has concerns about the potential risks, please consult with Risk Management for guidance.

Water Activities (On the Water)

- Water activities are permitted involving larger commercial or passenger vessels which meet the US Coast Guard standards for safety and hold a valid Certification of Compliance for the state or its international equivalent. Washington State Ferries, Victoria Clipper and Argosy Harbor Tours meet these requirements. (Please note: There **must** be one life jacket per passenger.) In addition, be sure the water-related activity is clearly listed in the appropriate [Parent/Guardian Authorization for Field Trip](#) form. Parents/guardians must be given sufficient information to understand the nature and scope of the activity(s).
- Water Activities such as kayaking and canoeing (or the equivalent where the movement of a craft depends on the physical endurance of its operator) and travel in small water crafts are not permitted on a SPS field trip unless a request is submitted and approved by the district. These requests are submitted to and reviewed by Risk Management. Activities on any body of water designated as Class I through Class VI under the international whitewater classification system are excluded from the district's liability coverage and will not be authorized. Significant lead time is needed (12 weeks or more) to allow for safety requirements to be met.

Student Attendance Logistics

- Provisions must be made for any student not attending the trip and staying at school.
- Attendance forms should indicate when a student is physically absent from the school building on a field trip, but participating in a school-sponsored program being conducted off school grounds. (Note: It is important to know and document where students are at all times.)

<p>Business & Finance</p>	<p>Seattle Public Schools</p> <p>FIELD TRIPS AND EXCURSIONS: Overnight Field Trip Procedures</p>	<p>Administrative Procedure 2320-C</p> <p>9/25/2014</p> <p>Page 1 of 5</p>
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This Administrative Procedure provides instructions for implementing School Board Policy 2320 – Field Trips and Excursions.

This Procedure should be read after Administrative Procedure 2320-A, General Guidelines and Procedures for All Field Trips.

Principals (and/or the District Department sponsoring the trip) are responsible for ensuring that all field trip policies and procedures as outlined in this Procedure are adhered to.

Together Principals (and/or the District Department sponsoring the trip) and the trip leader must review and complete "Checklists" for this Procedure, initialing each item as completed. Signed "Checklist" must be kept on file at the school.

Transportation for field trips **must** be arranged in accordance with Business & Finance Administrative Procedures Travel Procedures and Travel Waiver Request. These procedures require completion and approval of a Request for Professional Leave for any extended travel outside of the district.

OVERNIGHT FIELD TRIP CHECKLIST

___ Review Administrative Procedure No. 2320-A, General Guidelines and Procedures for All Field Trips.

___ Select a site and investigate the appropriateness of the site in relation to the category of field trip.

Field Trip Category(s): _____

Site: _____

___ Select a date and an alternate date. Note: Check with the principal, teachers and staff to ensure that trips are not scheduled on dates that interfere with important tests, religious holidays, or class work.

Date: _____

Alternate Date: _____

Twelve Weeks (or More) Prior to Field Trip

(Recommendation: To maximize fundraising so that trips are open to all students and for thorough planning, it is recommended that overnight trips are planned at least 6 months in advance.)

___ Research and plan the details of your trip.

___ Complete and submit an Overnight Field Trip Request Form to the principal. Schedule a meeting with the Principal to go over the Principal Review of Field Trip Proposal and identify any remaining requirements. When the principal has approved the trip, email or fax the Overnight Field Trip Request Form, a signed copy of this Overnight Field Trip Checklist and other required documents to the appropriate Executive Director and to Risk Management for their approval of the trip.

___ Upon approval from the principal, consult with and submit to the principal a list of chaperones.

- For "Overnight Trips," the student-to-chaperone **maximum** ratio is 10:1

Please note: For students with disabilities, the ratio of staff to students must be at least the same as the ratio mandated in their IEPs for their classes.

- ___ Contact the field trip site and ensure that the necessary arrangements are in place
 - o Staff should carefully review Finance Administrative Procedures and ASB rules before signing any agreements, or exchanging money with parents, outside transportation companies, travel agencies, etc.

- ___ Recruit chaperones for the trip.
 - o One chaperone must be a Seattle Public Schools employee from the school or department sponsoring the trip.
 - o Chaperones shall be at least 21 years of age for K-8 trips, at least 25 years of age for grades 9-12.
 - o Chaperones must be background checked in accordance with the Volunteer Management Department's Administrative Procedure Volunteer Program. (Fingerprinting may be required for overnight field trip chaperones. Please allow sufficient time.)
 - o There shall be at least 1 chaperone for every 10 students on the trip.
 - o Chaperones will not be allowed to bring minor family members or friends on the trip.
 - o Only students, approved chaperones and the spouse or partner of a chaperone will be allowed on the trip.
 - o The lead chaperone must be sure that all non-SPS chaperones are familiar with the *Basic Rules of Seattle Public Schools – Code of Prohibited Conduct* and other district and school-based rules for student conduct.
 - o The Lead Chaperone must retain a copy of the signed Guidelines for Volunteer Chaperones – Overnight Field Trips for each chaperone, along with the chaperones' emergency contact information.

- ___ Recruit students and coordinate fundraising efforts so that the trip is open to all students. The student's and his/her family's ability to pay may not be a criterion for field trip participation. Trips must be open to all students regardless of their financial situation.

- ___ Share the trip details listed below with all teachers and other staff members so that they may plan accordingly.
 - o Trip Overview (purpose)
 - o Destination(s) (if multiple, attach detailed itinerary/agenda)
 - o Specific Activities and Risks
 - o Date of Trip
 - o Students' Names
 - o Chaperones' Names & Roles in School Community

- ___ Prepare and distribute the Parent/Guardian Authorization for Overnight Field Trip form, Important Medical Information Form and the Medication Administration Form to each participating student and chaperone. (For preparedness and safety, it is important to have these forms from chaperones too. You may also distribute these forms at your parent/family meeting.)

- ___ If any student has a serious medical condition, please be sure that his/her doctor writes a letter indicating that the child may safely attend and participate in trip activities.

- ___ Conduct at least one parent/guardian meeting (with each family or all families together) to review the purpose of the trip, review/sign permission forms, review logistics of travel and share medical and safety information. (Please note: If a parent/guardian is unable to attend the meeting, a chaperone (SPS employee) must be sure to speak to the parent/guardian via telephone or in person about the trip prior to taking the student on an overnight trip. Document this personal contact for your records.)

Meeting Date: _____

- ___ Discuss with students the trip's purpose and learning goals in the weeks prior to the trip; engage students in activities before, during, and after the trip so that the field trip's learning potential is maximized.

Eight Weeks (or More) Prior to Your Trip

- ___ Notify the appropriate Executive Director and Risk Management of your overnight travel plans by faxing the Overnight Field Trip Request Form along with a list of student participants (include student ID#s). In addition, please call or email to ensure this form has been received by all parties.
- ___ Contact the field trip site and ensure that the necessary arrangements are still in place.
- ___ Develop transportation plans: mode of transportation, travel time, cost, etc. (If applicable, be sure to note how and with whom the child will travel to and from a field trip's departure and pick-up locations.) Transportation for field trips must be arranged in accordance with the Business & Finance Administrative Procedure "Travel Procedures", including submission of a Request for Professional Leave.

Four Weeks (or More) Prior to the Field Trip

- ___ Collect the completed and signed Parental Authorization for Overnight Trip form, Medical Information Form, and Medication Administration Form from each participating student and chaperone and ensure that a copy of all forms (and the itinerary) is submitted to the Principal.
- ___ Prepare the chaperones on your trip (distribution of responsibilities)
 - o The lead chaperone will record the names of the chaperones and whom each chaperone is supervising.
 - o Each chaperone must have a list of the students he/she is supervising.
 - o Chaperones will organize a "Buddy System," pairing students with one another for safety purposes.
 - o If there is only one chaperone on your trip, prepare a contingency plan in case the chaperone needs additional adult support while on the trip.
 - o **The lead chaperone must carry original, signed Parent/Guardian Authorization for Overnight Trip forms, Important Medical Information Forms and Medication Administration Forms for all students at all times; all other chaperones must carry copies at all times.**
- ___ Ensure the availability of a first aid kit.

Two Weeks (or More) Prior to the Field Trip

- ___ Consult with and, when necessary, receive training from and obtain written comments from the School Nurse regarding any students who have expressed medical needs (e.g. medication, asthma, allergies, etc.).
- ___ If applicable, inform the Child Nutrition Services manager at your school of the names of the students going on the trip and the date and time of the field trip.
- ___ Arrange for special equipment such as a digital or video camera if necessary or desired.

One Week Prior to the Field Trip

- ___ Verify all arrangements, including transportation and reception at the site.
- ___ Contact parent/guardian via telephone or in person to review the final details of travel and **verify** emergency, medical and safety information, and contact details. Be sure families have copies of their child's permission and medical forms as well as the trip itinerary and contact details.
- ___ Set expectations regarding communication during travel between chaperone/student travelers and the principal/families.
- ___ Leave copies of all **updated** Parent/Guardian Authorization for Overnight Field Trip forms, Important Medical Information Forms, Medication Administration Forms and the itinerary with Principal.
- ___ Set standards for safety and behavior with students and chaperones.

During the Field Trip

- On the day of the trip, take attendance and leave the current list of students attending the trip with the Principal.
- If applicable, record specific Bus Number and Driver's Name and leave information with the Principal and well as with all chaperones and, if age appropriate, students.
- Conduct a "head count" before embarking on your trip, throughout your trip and before departing for home.
- Review standards for safety and behavior with students.
- Original, signed permission slips and medical forms must be carried by the lead chaperone at all times for all students; copies must be carried by all other chaperones.
- A copy of the Emergency Action Plan for calling 911 on a field trip must be carried by all chaperones throughout the duration of the trip.
- Organize a "Buddy System" for all students.
- Chaperones must supervise all assigned students.
- Ensure students have a list of the key addresses (hotel/chaperone/host family contact information) and emergency information for the overnight destination as well as copies of all travel documents.
- Review with everyone where they are to go if they get separated from the group.
- Set aside time to process student learning on the trip.

After the Field Trip (Suggested)

- Write thank you notes.
- Have group discussions in class about the students' observations while on the trip.
- Conduct related creative and/or analytical projects to showcase student learning (i.e. public speaking engagements, Web 2.0 projects, etc.)
- Write a news article about the trip for a local newspaper, website, or blog.
- Evaluate the Trip.
 - Was the educational purpose of the trip served?
 - What were the highlights of the trip?
 - What might you do differently next time?
 - Are there any incidents, accidents, etc. to report?
 - File a brief written report with the Principal.

PLEASE SIGN THIS CHECKLIST, RETAIN A COPY FOR YOUR FILE, AND SUBMIT THE ORIGINAL TO THE SCHOOL OFFICE AND TO RISK MANAGEMENT FOR FILING.

School Name: _____

Signature of Lead Chaperone

Date

Signature of Principal or
Sponsoring District Department

Date

Required Forms:

1. **Overnight Field Trip Request Form** (1 per trip)
2. **Emergency Action Plan** (1 copy per chaperone)
3. **Guidelines for Volunteer Chaperones – Overnight Field Trips** (1 per chaperone)
4. **Parent/Guardian Authorization for Overnight Field Trip** (1 per student)
5. **Important Medical Information Form** (1 per student)
6. **Medication Administration Form** (1 per student)
7. **Field Trip Behavior and Expectations Agreement** (1 per student – secondary schools only)

Seattle Public Schools Guidelines for Volunteer Chaperones Overnight Field Trips

Thank You for Your Support!

Seattle Public Schools believes that field trips provide a valuable educational experience for students. Without the help of volunteer chaperones like you, many field trips would not be possible. We thank you very much for giving your time and support to these important activities.

In order to help ensure that District-sponsored field trips result in safe and rewarding experiences for all participants, we have prepared these guidelines to provide information about volunteering as a field trip chaperone.

Becoming a Volunteer Field Trip Chaperone

Because student safety is our paramount concern, Seattle Public Schools has established procedures for screening all school volunteers who may have unsupervised access to children. Please check the District website "Volunteering at SPS" (under the Families & Communities tab) for the latest requirements. No volunteer may chaperone a field trip until the background check and other requirements are completed. If you have recently moved to Washington State and plan to chaperone an overnight field trip, the District may require you to be fingerprinted so we may access other states' criminal history databases. Please allow sufficient time to complete this requirement before the scheduled field trip departure date.

The District also requires that volunteer chaperones be at least 21 years old to supervise students in grades 6-8, 25 years old for students in grades 9-12.

Guidelines for Volunteer Chaperones

Prior to your field trip, the lead chaperone will provide you with information regarding the activities planned for the trip, expectations for supervising students, and emergency procedures. In addition, we have developed the following general guidelines to help you perform your duties as a chaperone. If you have any questions regarding these guidelines, please contact the lead chaperone or the building principal/program manager.

1. All school rules apply on District-sponsored events. Chaperones are expected to comply with District policies, follow the directions given by the District's lead chaperone, work cooperatively with other staff and volunteers, and model appropriate behaviors for students. Be sure you are familiar with the Seattle Public Schools' *Code of Conduct*.
2. In order to comply with District policy, during District sponsored events, chaperones:
 - may not use, sell, provide, possess, or be under the influence of drugs or alcohol
 - may not use tobacco in the presence of, or within the sight of, students
 - may not possess any weapon
 - may not administer any medications, prescription or nonprescription, to students
3. Student behavior is your responsibility. School rules related to student behavior apply. Go over rules and standards of behavior, safety rules, and any site specific rules with students. Ensure that students do not get involved in any extra activities not pre-approved by administrators and parents. If a student will not follow your reasonable requests to comply with behavior and safety rules, please notify the lead chaperone or other District staff chaperone promptly.
4. Students must be supervised at all times while at District-sponsored events. Go over use

of the buddy system with students under your care. Account for all participants regularly and before changing activities. Be sure you know when and where to meet the rest of your group at the end of the visit. Chaperones must be readily available 24/7, be mindful of safety concerns, and respond to students' needs.

5. Night-time supervision can present different challenges. Chaperones should not be sleeping in the same rooms with students, but must ensure that students are in their rooms and not engaged in prohibited activities. This will generally mean a bed check at lights out and at least one additional check during the night. Your lead chaperone will help you understand the requirements and procedures for specific locations where students will be lodging. Different rules may need to be established for locations where students are staying in a gym, in open cabins or other non-traditional lodgings.
6. For the protection of both the student and the chaperone, chaperones should not place themselves in situations in which they are alone with a student.
7. Other than the spouse or partner of a chaperone, with prior written approval of the principal, family members or friends of a chaperone may not participate in a District-sponsored overnight field trip.
8. Chaperones who transport students in their personal vehicle must complete the Volunteer Driver Checklist form. You are expected to comply with all District and State student transportation rules and regulations. Be aware that your personal vehicle insurance provides primary coverage in the event of an accident or injury.
9. Be sure to know what to do in an emergency (medical emergency, natural emergency, lost child, serious breach of rule, etc.). Know who is first aid trained, where the first aid kit is, where the cell phone is kept, and who has the copies of parental permission slips with emergency phone numbers and medical information.

In the event that I have a personal emergency, please contact:

<i>Printed Name</i>	<i>Relationship</i>	<i>Daytime Phone</i>
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I acknowledge that I have received a copy of the "Guidelines for Volunteer Chaperones – Overnight Field Trips," have read these guidelines, and agree to comply with the guidelines as a school volunteer.

Name _____ Date _____

Printed Name

Name _____

Signature

May 22, 2015



**SEATTLE
PUBLIC
SCHOOLS**

Hand Delivered and Sent via Regular and Certified Mail and Email

Nell K. Niewiadomski
RCW 42.56.230(3)

Dear Ms. Niewiadomski:

My office has been informed of allegations that you conducted yourself in an inappropriate and unprofessional manner. Specifically, it is alleged that you violated multiple District protocols, including, but not limited to those involving the execution of a Ballard High School field trip that occurred on May 17-19, 2015. In addition, your alleged behavior, if true, would be a breach of your professional duty as a certificated teacher. These are serious allegations that require immediate investigation.

To minimize disruptions and ensure a fair and expeditious investigation of this matter, you are being placed on administrative leave with pay effective Wednesday, May, 27, 2015. Your salary and benefits will not be impacted by this action and you are likely to remain on administrative leave until the District's investigation of this matter has been completed. Please review the attached information about administrative leave.

You are directed to stay away from Seattle School District property and to have no contact with Ballard High School staff, students or parents unless you have prior permission from me. Finally, you are to refrain from interfering with the investigation in any way and to keep this matter confidential to the extent possible.

You will be contacted by my office regarding the investigation process. If you have questions you may contact Labor/Employee Relations Manager Elaine Williams at (206) 252-0290. For assistance you are also encouraged to contact the District's Employee Assistance Program at (206) 252-0415.

Respectfully,

A handwritten signature in black ink, appearing to read "Brent Jones".

Dr. Brent Jones
Assistant Superintendent for Human Resources

cc: Barbara Casey, Assistant Principal, Ballard High School
Keven Wynkoop, Principal, Ballard High School
John Halfaker, Executive Director of Schools
Elaine Williams, Labor/Employee Relations Manager
Tim Kopp, SEA UniServ Representative

Attachment: Helpful Information about Administrative Leave

HELPFUL INFORMATION ABOUT ADMINISTRATIVE LEAVE

Employees who have been placed on administrative leave often have a number of questions about what administrative leave is and how it works. I hope this question and answer sheet provides some helpful information.

Question: *What is administrative leave?*

Answer: Administrative leave is an employer-directed removal from the regular work environment for an indefinite period of time.

Question: *What is the purpose of administrative leave?*

Answer: The purpose of administrative leave is to remove an employee from the workplace during the pendency of an investigation and/or until discipline can be imposed. In general, it is used when the District believes the employee's continued presence in the workplace could threaten or endanger children or others, disrupt the educational or work environment, or interfere with an investigation.

Question: *Is administrative leave disciplinary?*

Answer: No, administrative leave is not considered by the District to be disciplinary. The employee is paid while on leave and retains all legal and contract rights to contest any discipline that might ultimately be imposed.

Question: *Can an employee find out why he/she has been placed on administrative leave?*

Answer: Yes, when an employee has been placed on administrative leave, the District will inform the employee of the reason(s). However, the District may not be able to provide much detail because of the status of the investigation or because it believes such disclosure might compromise the investigation.

Question: *What District resources are available to assist an employee during this time?*

Answer: The Employee Assistance Program is a free and confidential counseling and referral program available to all employees. You are encouraged to make use of this resource. To make an appointment with an EAP counselor, call 206-252-4800. Any employee also has a right to and should regularly communicate with his or her union representative.

Question: *How can an employee on administrative leave get his/her belongings from the building?*

Answer: The employee should call the Employee/Labor Relations Department at 252-0023 or 252-0028. That department will work with the principal or other supervisor to make appropriate arrangements.

Question: *How long will the administrative leave last?*

Answer: There is no set length. Many investigations are done quickly (several days or a few weeks). Others can take longer because of the complexity of the allegations, the number of witnesses to be interviewed, etc. The District's goals in any investigation are to be thorough and timely.

Question: *If an employee is on leave for an extended period of time, can the employee get information on the status of the investigation?*

Answer: If the employee is on an extended leave (several weeks) and would like to know the status of the investigation, the employee (or union representative or lawyer) may call the Employee/Labor Relations Department at 252-0294. The department will provide such information as possible without compromising the investigation or the discipline process.

June 18, 2015

Delivered via Certified and Regular Mail

Nell K. Niewiadomski

RCW 42.56.230(3)



Re: Recommendation for Suspension

Dear Ms. Niewiadomski:

This letter is to advise you of the District's recommendation to the Superintendent of Seattle Public Schools that there is probable cause to impose a five (5) day suspension for your inappropriate and unprofessional conduct when you shortened your participation in a field trip to Deception Pass and allowed five (5) students to remain an extra night without a chaperone and transport themselves home the following day. This action occurred during the course of your certificated teaching duties at Ballard High School.

On May 22, 2015, you were informed that the District was investigating an allegation that you violated District policy and procedure involving the execution of a Ballard High School field trip to Deception Pass on May 17-19, 2015. You were placed on paid administrative leave and informed that you would likely remain on leave until the investigation of the allegation could be concluded. The investigation has now been concluded.

Based on information provided by you and other witnesses, it was determined that, after you agreed to cut short the overnight field trip by a day, you allowed five students who were participating in the field trip to spend an extra night (unsupervised), without an approved chaperone present. You also allowed them to transport themselves home the following day.

You were a chaperone on the field trip. About two weeks before the field trip you were asked to be a chaperone because another female chaperone had backed out. You said that you had not organized the overnight field trip, exerted no decision-making authority as you were not the lead chaperone, and did nothing but chaperone and drive students to and from the campsite in a minivan. You had, however, read, signed, and returned the Guidelines for Volunteers-Overnight Field Trips form to your administrator.

You confirmed that you were aware that students had driven themselves to the camp site, but believed that the lead chaperone had worked out all the details and approvals. You were also aware that some students were staying overnight the next day, but believed that the lead chaperone had worked out the details for that as well. When asked, you confirmed that five students remained at the campsite when you and the other chaperones left with the other students. The students who remained were unsupervised and had no chaperone.

You stated that you did not have any concern about the students who were spending the extra night, as you believed that the lead chaperone had made all the necessary arrangements. Therefore, you did not question the decision to allow the five students to remain at the campsite when you left. You stated that you also thought it was odd when a former Ballard High School student showed up just prior to your departure, but again, believed that the lead chaperone must have known that the former student was coming to spend the night.

School administration did not approve the decision to allow the students to spend the extra night on the field trip. Your principal knew that the lead chaperone was considering cutting the field trip short, but was not aware that you and the lead chaperone had allowed some students to stay the extra night, nor was he aware that they would be unsupervised, or that students were transporting other students in their own vehicles to and from the camp site. The students were not approved drivers, not all parents of the students being transported were aware that a student driver was transporting their sons or daughters and one student rode home without the use of a seatbelt.

1. SPS District Policy No. 5006 – Unprofessional Conduct of Staff (**Exhibit 3**), states in part,

“The School Board recognizes its responsibility to protect students, staff, parents/guardians, and volunteers from physical and/or emotional harm at school and at school-sponsored events.

A. Certificated Staff

Pursuant to state law, certificated staff are required to exhibit “good moral character and personal fitness” as they teach, supervise students, or interact with others and are prohibited from engaging in unprofessional conduct. “Good moral character and personal fitness” is defined in WAC 181-86-013. Unprofessional conduct includes, but is not limited to:

...

7. Disregard or abandonment of generally recognized professional standard (i.e., any performance of professional practice in flagrant disregard or clear abandonment of generally recognized professional standards in the course of: (i) assessing; treating, instructing, or supervising students; (ii) evaluating personnel; or (iii) managing money or property);”

2. SPS District Policy No. 2320 – Field Trips and Excursions, states in part,

“Field trips which take students out of the state or are planned to keep students out of the district overnight must be approved in advance by the Superintendent or his/her designee.”

3. SPS Guidelines for Volunteer Chaperones – Overnight Field Trips, states in part,

“4. Students must be supervised at all time while at District-sponsored events.”

4. Field Trip Procedures/Risk Management, states in part,

“4. Transportation/Land:

- *Student may never drive motorized vehicles during a trip OR ride with a non-authorized individual.*
- *All occupants in vehicle must use seatbelts.”*

The finding in this investigation demonstrates decision-making on your part, through your inaction and decision not to question the decisions that had been made by others, that endangered the personal safety of students when you left them unattended, unsupervised and unchaperoned on an overnight field trip at Deception Pass and then allowed them to be transported back to Seattle with student drivers. For these reasons, a five (5) day suspension is being recommended.

You are invited to meet with Superintendent Larry Nyland on Tuesday, July 7 at 11:30 am to respond to the proposed five (5) day suspension. You have a right to representation at this meeting. If you wish to take advantage of this opportunity to respond to the allegations, you must contact Labor/Employee Relations Manager Elaine Williams at 206-252-0290 before 5:00 pm on Friday, June 26, 2015, to confirm your meeting with the Superintendent. Please leave a detailed voicemail message with current contact information in the event she does not answer the phone. Failure to timely contact Ms. Williams will be considered a waiver of your right to respond to the allegations and the District will make a final decision without further notice to you.


Respectfully,



Dr. Brent C. Jones
Assistant Superintendent for Human Resources

Cc: Dr. Larry Nyland, Superintendent
Keven Wynkoop, Principal, Ballard High School
Jon Halfaker, Executive Director of Schools
Elaine Williams, Labor/Employee Relations Manager
Tim Kopp, SEA UniServ Representative
Personnel file

Attachments: Policies


	UNPROFESSIONAL CONDUCT OF STAFF	Policy No. 5006 January 22, 2014 Page 1 of 3
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The School Board recognizes its responsibility to protect students, staff, parents/guardians, and volunteers from physical and/or emotional harm at school and at school-sponsored events.

A. CERTIFICATED STAFF

Pursuant to state law, certificated staff are required to exhibit "good moral character and personal fitness" as they teach, supervise students, or interact with others and are prohibited from engaging in unprofessional conduct. "Good moral character and personal fitness" is defined in WAC 181-86-013. Unprofessional conduct includes, but is not limited to:

1. Violation of written contract;
2. Crimes against children as listed in RCW 26A.400.322;
3. The physical injury of children;
4. Sexual misconduct with children or students;
5. Misrepresentation or falsification in the course of professional practice (i.e., any falsification or deliberate misrepresentation, including omission, of a material fact by an education practitioner, including but not limited to: (i) statement of professional qualifications; (ii) application or recommendation for employment, promotion, certification, or an endorsement; (iii) application or representation for college admission, scholarship, grant, award, or similar benefit; (iv) representation of completion of in-service or continuing education credit hours; (v) evaluation or grading of students and/or personnel; (vi) financial or program compliance reports submitted to agencies; and (vii) information submitted to OSPI or law enforcement related to an official investigation.
6. Possession, use, consumption, or being under the influence of alcohol or of an illegal and/or controlled substance, including marijuana (cannabis), on school premises or at a school-sponsored activity involving students (possession of an unopened container of alcohol in a locked motor vehicle is allowed);
7. Disregard or abandonment of generally recognized professional standards (i.e., any performance of professional practice in flagrant disregard or clear abandonment of generally recognized professional standards in the course of: (i) assessing; treating, instructing, or supervising students; (ii) evaluating personnel; or (iii) managing money or property);
8. Abandonment of contract for professional services, including an extracurricular contract;
9. Unauthorized professional practice;

 <p>SEATTLE PUBLIC SCHOOLS</p>	<p>UNPROFESSIONAL CONDUCT OF STAFF</p>	<p>Policy No. 5006 January 22, 2014 Page 2 of 3</p>
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10. Illegal furnishing of alcohol or an illegal and/or controlled substance, including marijuana (cannabis), to a student;
11. Improper remunerative conduct (i.e., any deliberate act in the course of professional practice that requires or pressures students to purchase equipment, supplies, or services from the educational practitioner in a private capacity); or
12. Failure to report child abuse or neglect under RCW 26.44.

Certificated staff may be disciplined for engaging in unprofessional conduct according to Policy Nos. 5280 and 5281.


When the Superintendent or his or her designee possesses sufficiently reliable information to believe that a certificated employee is not of "good moral character and personal fitness" or has committed an act of unprofessional conduct, within a reasonable period of time of making such determination, a written complaint shall be filed with the Office of Superintendent of Public Instruction.

If the District is considering action to discharge a certificated staff member, the Superintendent or his or her designee need not file such complaint until ten calendar days after making the final decision to serve or not serve formal notice of discharge. Such a written complaint shall state the grounds for revocation and summarize the factual basis upon which a determination has been made that an investigation by the Office of the Superintendent of Public Instruction is warranted.

B. CLASSIFIED STAFF

Although classified employees are not governed by the same state regulations applicable to certificated staff, the District prohibits classified staff from engaging in acts of unprofessional conduct, including but not limited to:

1. Crimes against children listed in RCW 26A.400.322;
2. The physical injury of children;
3. Sexual misconduct with children or students;
4. Providing false information to the District (i.e., timesheets, application materials, formal investigations);
5. Possession, use, consumption, or being under the influence of alcohol or of an illegal and/or controlled substance, including marijuana (cannabis), on school premises or at a school-sponsored activity involving students (possession of an unopened container of alcohol in a locked motor vehicle is allowed);

 <p>SEATTLE PUBLIC SCHOOLS</p>	<p>UNPROFESSIONAL CONDUCT OF STAFF</p>	<p>Policy No. 5006</p> <p>January 22, 2014</p> <p>Page 3 of 3</p>
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6. Disregard or abandonment of generally recognized professional standards when (i) assessing; treating, instructing, or supervising students; (ii) evaluating personnel; or (iii) managing money or property; or
7. Illegal furnishing of alcohol or an illegal and/or controlled substance, including marijuana (cannabis), to a student;

Classified staff may be disciplined for acts of unprofessional conduct according to Policy Nos. 5280 and 5281.

Adopted: April 2012

Revised: January 2014


Cross Reference: Policy Nos. 5005; 5280; 5281

Related Superintendent Procedure:

Previous Policies:

Legal References: RCW 28A.400.320 Mandatory termination of classified employees; RCW 28A.405.470 Mandatory termination of certificated employees; RCW 28A.410.090 Revocation of Authority to teach — Method — Grounds; RCW 28A.410.100 Revocation of authority to teach — Hearings and appeals; RCW 28A.410.110 Reinstatement prohibited for crimes; WAC 181-79A Standards for teacher, administrator, and educational staff associate certification; WAC 181-86 Professional certification — Policies and procedures for administration of certification proceedings; WAC 181-87 Professional certification — Acts of unprofessional conduct; WAC 181-79A-155 Good Moral Character and Personal Fitness — Necessary supporting evidence applicants

Management Resources: *Policy News*, February 2013

	FIELD TRIPS & EXCURSIONS	Policy No. 2320 September 9, 2014 Page 1 of 1
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The Board recognizes that field trips, when used as a device for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Such trips can supplement and enrich classroom procedures by providing learning experiences in an environment beyond the classroom.

Field trips which take students out of the state or are planned to keep students out of the district overnight must be approved in advance by the Superintendent or his/her designee. The Superintendent or his or her designee has the authority to approve or deny all other field trips.

The Superintendent or his/her designee is granted the authority to develop administrative guidelines for the operation of field trips which shall ensure that the safety of the student shall be protected and that parent permission is obtained before the student leaves the school. Each field trip must be integrated with the curriculum and coordinated with classroom activities which enhance its usefulness. Private vehicles may be used to transport students if approval is obtained in advance from the principal.

No staff member may solicit students for any privately arranged field trip or excursion without the principal's permission.

Adopted: December 2011

Revised: September 2014

Cross Reference: Policy Nos. 6625; 3520

Related Superintendent Procedure:

Previous Policies: C30.00

Legal References: RCW 28A.330.100(5) Additional powers of board; RCW 67.20.020 Parks, bathing beaches, public camps — Contracts for cooperation; WAC 181-87-090 Improper remunerative conduct

Management Resources:

Seattle Public Schools Guidelines for Volunteer Chaperones Overnight Field Trips

Thank You for Your Support!

Seattle Public Schools believes that field trips provide a valuable educational experience for students. Without the help of volunteer chaperones like you, many field trips would not be possible. We thank you very much for giving your time and support to these important activities.

In order to help ensure that District-sponsored field trips result in safe and rewarding experiences for all participants, we have prepared these guidelines to provide information about volunteering as a field trip chaperone.

Becoming a Volunteer Field Trip Chaperone

Because student safety is our paramount concern, Seattle Public Schools has established procedures for screening all school volunteers who may have unsupervised access to children. Please check the District website "Volunteering at SPS" (under the Families & Communities tab) for the latest requirements. No volunteer may chaperone a field trip until the background check and other requirements are completed. If you have recently moved to Washington State and plan to chaperone an overnight field trip, the District may require you to be fingerprinted so we may access other states' criminal history databases. Please allow sufficient time to complete this requirement before the scheduled field trip departure date.

The District also requires that volunteer chaperones be at least 21 years old to supervise students in grades 6-8, 25 years old for students in grades 9-12.

Guidelines for Volunteer Chaperones

Prior to your field trip, the lead chaperone will provide you with information regarding the activities planned for the trip, expectations for supervising students, and emergency procedures. In addition, we have developed the following general guidelines to help you perform your duties as a chaperone. If you have any questions regarding these guidelines, please contact the lead chaperone or the building principal/program manager.

1. All school rules apply on District-sponsored events. Chaperones are expected to comply with District policies, follow the directions given by the District's lead chaperone, work cooperatively with other staff and volunteers, and model appropriate behaviors for students. Be sure you are familiar with the Seattle Public Schools' *Code of Conduct*.
2. In order to comply with District policy, during District sponsored events, chaperones:
 - may not use, sell, provide, possess, or be under the influence of drugs or alcohol
 - may not use tobacco in the presence of, or within the sight of, students
 - may not possess any weapon
 - may not administer any medications, prescription or nonprescription, to students
3. Student behavior is your responsibility. School rules related to student behavior apply. Go over rules and standards of behavior, safety rules, and any site specific rules with students. Ensure that students do not get involved in any extra activities not pre-approved by administrators and parents. If a student will not follow your reasonable requests to comply with behavior and safety rules, please notify the lead chaperone or other District staff chaperone promptly.
4. Students must be supervised at all times while at District-sponsored events. Go over use

of the buddy system with students under your care. Account for all participants regularly and before changing activities. Be sure you know when and where to meet the rest of your group at the end of the visit. Chaperones must be readily available 24/7, be mindful of safety concerns, and respond to students' needs.

5. Night-time supervision can present different challenges. Chaperones should not be sleeping in the same rooms with students, but must ensure that students are in their rooms and not engaged in prohibited activities. This will generally mean a bed check at lights out and at least one additional check during the night. Your lead chaperone will help you understand the requirements and procedures for specific locations where students will be lodging. Different rules may need to be established for locations where students are staying in a gym, in open cabins or other non-traditional lodgings.
6. For the protection of both the student and the chaperone, chaperones should not place themselves in situations in which they are alone with a student.
7. Other than the spouse or partner of a chaperone, with prior written approval of the principal, family members or friends of a chaperone may not participate in a District-sponsored overnight field trip.
8. Chaperones who transport students in their personal vehicle must complete the Volunteer Driver Checklist form. You are expected to comply with all District and State student transportation rules and regulations. Be aware that your personal vehicle insurance provides primary coverage in the event of an accident or injury.
9. Be sure to know what to do in an emergency (medical emergency, natural emergency, lost child, serious breach of rule, etc.). Know who is first aid trained, where the first aid kit is, where the cell phone is kept, and who has the copies of parental permission slips with emergency phone numbers and medical information.

In the event that I have a personal emergency, please contact:

_____ *Printed Name* _____ *Relationship* _____ *Daytime Phone*

I acknowledge that I have received a copy of the "Guidelines for Volunteer Chaperones -- Overnight Field Trips," have read these guidelines, and agree to comply with the guidelines as a school volunteer.

Name _____ Date _____
Printed Name

Name _____
Signature

FIELD TRIP PROCEDURES/RISK MANAGEMENT

1. Principals Preliminary Approval:

- The teacher must first meet with the building principal to request approval to proceed with planning. At that time the principal should be presented with information relating to the proposed trip, including, but not limited to, educational benefit. Copy of a letter outlining potential risks, proposed funding, estimated costs, estimated number of student participants, number of proposed chaperones and proposed travel plan using shall be given to the principal at this time.
- No fund raising shall commence until trip receives full approval. Approval shall be obtained prior to talking to students and parents about the proposed trip.
- Approval is given by district authorities in advance of announcing plans to students and parents.

2. Parent Input:

- The principal and advisor must agree on a process for determining the level of support by parents of students in the group. A high percentage of parental approval will be required in order to proceed with this process.
- Keep records of dates of meetings, number in attendance, and handouts/information given.

3. Plan Itinerary:

- Include departure time and place, major events, travel arrangements, planned stops and time and place for return.
- Students must be supervised at ALL times while at school- sponsored events.
- Prepare a detailed itinerary.
- High-risk activities such as mountain biking, roller-blading, canoeing, hiking, etc., require Washington Schools Risk Management Pool Special Events Liability Insurance. Contact Risk Management Services at 206-252-0710 for more application information.

4. Transportation/Land:

- Students may never drive motorized vehicles during a trip OR ride with a non-authorized individual.
- All occupants in vehicle must use seatbelts.
- Teacher shall indicate if charter carriers are to be used; indicate the charter name; and confirm they have insurance coverage.
- Students transported in private vehicles shall comply with R.C.W. 46.61.687:
 - Infants shall ride in rear-facing seats until age one or until they reach 20 pounds.
 - Children one to four years or under 40 pounds shall ride in a forward facing child safety seat restraint system.
 - Children four to six years or weighing between 40-60 pounds shall be restrained in a child booster seat. ("Child booster seat" means a restraint system that meets the Federal Motor Vehicles Safety Standard that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.)
 - Children under the age of six or weighing less than 60 pounds shall ride in the back seat if the vehicle is equipped with a passenger side air bag.
 - Children over the age of six or weighing more than 60 pounds shall be restrained with the vehicle's safety belt system. Identify designated drivers. Motor Vehicle Reports should be obtained on all designated drivers, prior to the trip to assure good driving records. If district employees are driving, Type II driving designation should be followed.

5. Transportation/Air:

- All travel arrangements should be made in accordance with established district procedures.
- If the trip is not planned by an outside organization, it is important that insurance coverage be purchased for cancellation of trip.
- If the trip is planned with the use of an outside organization, confirm they provide coverage for trip cancellation.

6. Other Insurance Considerations:

- Foreign General Liability Coverage. The district's current policy provides coverage for law suits brought in the United States. International Travel Liability Insurance should be purchased to insure protection if a third party is harmed or alleged to be harmed and suit is brought in a foreign country.
- Student Medical Insurance: Student accident insurance companies (I.E. Excel-Serv) can provide coverage for medical insurance claims that happen out-side the United States. This is secondary coverage, but is advisable.

7. Informational Meeting for Students and Parents to Discuss:

- Purpose of the trip and its relation to curriculum or activity program
- Review of steps being taken to secure administrative approval
- Present a detailed daily student itinerary
- Proposed housing arrangements
- Budget and fund raising, including review of policies
- Rules of conduct
- Rules on field trips are the same as required of students within the school confines. Student abuse of school conduct rules on a field trip are subject to the same disciplinary action as on school property
- No drugs or alcohol may be used by students, supervisors, or chaperones
- Arrangements for chaperones
- Parent information and permission requirements
- Advisor/Chaperone responsibilities (provide them with a written list)
- Emergency procedures
- Address all potential personal safety risks
- Include all information related for foreign travel such as need for immunizations, identification, laws specific to that country regarding drugs (and prescribed medications) and conduct.

Advise new arrivals to the country, including exchange students, to determine their immigration status before entering a foreign country and to take appropriate credentials with them. All other students should be advised to take appropriate identification. (consult local Consulate Office for foreign country for specific requirements). Confirm requirements of required immunizations, etc.

8. Select Adult Chaperones:

- What is the confirmed number of staff and parents supervising on this trip? The appropriate number of chaperones is to be determined by the building principal and be subject to review by the superintendent or designee.
- If the proposed trip includes both male and female students, provide chaperones from both genders.
- Advise them of their responsibilities
 - Students must be supervised at ALL times while at school sponsored events
 - No drug or alcohol use by supervisors/chaperones
- One or more of the adult supervisors/chaperones must have current First Aid/CPR card
- Room arrangements for chaperones

9. Emergency procedures:

- One or more of the adult supervisors/chaperones must have a current First Aid/CPR card.
- Take a First Aid Kit and Snake Bite Kit
- Safety, including potential risks, and emergency procedures must be discussed with students, parents and chaperones
- In case of illness or accident, one adult must remain with the student at all times

WHEN DISTRICT APPROVAL IS RECEIVED:

10. Parent Permission Forms:

- Parent Permission forms which include health information and emergency information must be completed and signed by parent or guardian, and **TAKEN ON THE TRIP BY THE FACULTY ADVISOR**. One copy should remain with the school office.

11. Medication Procedures - Elementary Schools:

- Contact the building nurse one month before the scheduled field trip.
- The **OVERNIGHT FIELD TRIP EMERGENCY FORM** with the district medication form on the back must be completed by all parents. This form should be taken on the field trip by the faculty advisor. If the student is to receive medication, a copy of this form must also be given to the person designated to administer the medications.
- All students who will be taking medication need a district medication form completed and signed by both the parent and the physician.
- All medication must be in the original prescription bottle and properly labeled with the name of the child, name of medication, dosage, time medication is to be given, expiration date, name of physician and the date the prescription was filled. Over-the-counter medications also require a Seattle School District medication form signed by both parent and physician and the medication must be properly labeled by the parent.
- The person designated to give medication on the field trip must be trained by the building nurse before they can administer any medication.
- All medications must be kept in a locked box or container at all times.

12. Medication Procedure - Secondary Schools:

- If a parent requests the school to administer medication to their student, please contact the building nurse and follow the above instructions.
- Students and parents need to be advised of all laws and regulations of the foreign country that pertain to prescription and over-the-counter drugs.

13. Finalizing Plans:

- Secure housing, final arrangements for transportation, requests purchase orders. etc.

August 7, 2015

Catherine Slagle, Director
Office of Professional Practice
Office of the Superintendent of Public Instruction
PO Box 47200
Olympia, WA 98504-7200



Re: Nell K. Niewiadomski
Certificate # 471629F

Dear Ms. Slagle:

This letter is being submitted to you pursuant to WAC 181-86-110. As Superintendent for the Seattle School District ("District"), I possess "sufficient reliable information" to believe that Nell Niewiadomski, a certificated teacher for the District, has committed an act of unprofessional conduct.

Ms. Niewiadomski was sent a letter on June 18, 2015, discussing the acts of unprofessional conduct. In that letter, she was given an opportunity to meet with me.

Ms. Niewiadomski attended a meeting with me on July 7, 2015 to discuss these acts. On August 7, 2015 I made a determination that an act of unprofessional conduct did occur. The employee was given a Written Reprimand. The June 18, 2015 and August 7, 2015 letters are attached. I have also attached the May 22, 2015 notification letter.

If you have questions, please contact Elaine Williams at (206) 252-0290.

Respectfully,

A handwritten signature in black ink, appearing to read "Larry Nyland". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dr. Larry Nyland
Superintendent

Attachments: May 22, 2015 notification letter
June 18, 2015 loudermill letter
August 7, 2015 determination letter

cc: Dr. Brent C. Jones, Assistant Superintendent for Human Resources
Mark Yamashita, Interim Director of Labor and Employee Relations
Elaine Williams, Labor and Employee Relations Manager



SUPERINTENDENT OF PUBLIC INSTRUCTION

Randy I. Dorn Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

September 28, 2015

Received

OCT 02 2015

Seattle Public Schools
Office of the Superintendent

Dr. Larry Nyland, Superintendent
Seattle Public Schools
MS 32-150
P.O. Box 34165
Seattle, WA 98124-1165

RE: Letter of Complaint, Nell Niewiadomski
Washington Education Certificate No.: 417629F

Dear Dr. Nyland:

Thank you for your letter regarding a possible Code of Professional Conduct violation by Nell Niewiadomski.

After reviewing the information available pertaining to this, it has been determined that the case does not meet the criteria for a Code of Conduct Violation under WAC 181-87-060. Therefore, we will not be opening an investigation at this time. The Office of Superintendent of Public Instruction will, however, retain your information should other issues arise in the future pertaining to this individual.

Thank you for your bringing this to our attention. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Catherine Slagle" with a small "me" written below the name.

Catherine Slagle, Director
Office of Professional Practices

CS:mlr

cc: Nell Niewiadomski

July 20, 2015

Delivered via Email and Regular/Certified Mail

Nell K. Niewiadomski

RCW 42.56.230(3)

**Re: *Notice of Probable Cause*
*One (1) Day Suspension Without Pay***

Dear Ms. Niewiadomski:

This letter is to advise you of my determination, as Superintendent of Seattle Public School District ("District") that probable cause exists to impose a one (1) day suspension for your inappropriate and unprofessional conduct during the course of your certificated teaching duties at Ballard High School. Pursuant to RCW 28A.405.300 the basis for the suspension is as outlined below and incorporates the information contained in an investigative report dated June 10, 2015, and the letter from Human Resources dated June 18, 2015 (both documents are attached and incorporated herein).

You received a letter on June 18, 2015, that advised you of the District's recommendation that probable cause existed to impose a five (5) day suspension when you shortened your participation in a May 17-19, 2015, field trip to Deception Pass and didn't question why five (5) students were being allowed to remain a second night without a chaperone and transport themselves home the following day. Based on this action you were invited to meet with me to discuss the proposed suspension.

Based on information provided by you and other witnesses, it was determined that, after you agreed to cut short the overnight field trip by a day, you allowed five students who were participating in the field trip to spend an extra night (unsupervised), without an approved chaperone present. You also allowed them to transport themselves home the following day.

A meeting was held in my office on July 7, 2015. I met with you, your Seattle Education Association UniServ Representative Tim Kopp, and Ballard High School teachers India Carlson and Barb DeNormandie. Also in attendance were Mark Yamashita, Interim Director of Labor and Employee Relations, Keven Wynkoop, Principal of Ballard High School, and Labor and Employee Relations Manager Elaine Williams. During the meeting you explained that you were a last minute addition as a chaperone on the field trip. About two weeks before the field trip was to commence you had been asked to chaperone when another female chaperone backed out. You were told your role was to serve as a chaperone and drive students to and from the campsite in a minivan. As a part of the process you read and/or signed several, required field trip forms, however, did not receive or read and sign the "Guidelines for Volunteers-Overnight Field Trips" form. During this meeting both teachers spoke up in your behalf, as did the UniServ Representative.

The investigation found that you were aware that students had driven themselves to the camp site, but believed that the lead chaperone had worked out all the details and approvals. You stated that you knew that some students were staying overnight the next day, but believed that the lead chaperone had worked out the details for that as well. You did not question the decision to allow the five students to remain at the campsite when you left. However, when we met on July 7, 2015, you clarified these statements. You said that you had understood the field trip would end on Monday, May

18th, and assumed that everyone would be returning to Seattle that evening. On Monday, May 18th, is when you found out that some of the students were remaining the second night. You admit that you should have spoken up and said to the lead chaperone, “What’s going on?” You also said “If it was my field trip, I would have stayed behind or taken everyone home.”

Based on the findings in the investigative report, I find that evidence demonstrates decision-making on your part, through your inaction and decision not to question decisions that had been made by others, endangered the student safety when you left them unattended, unsupervised and unchaperoned on the overnight field trip at Deception Pass. You violated Policy 5006 – Unprofessional Conduct of Staff, when you chose to leave the students behind. By your absence you failed to protect them from physical harm at the school-sponsored event. You violated the District’s “Guidelines for Volunteer Chaperones – Overnight Field Trips and Excursions,” when you left them unsupervised. You violated Policy 2320 – Field Trips and Excursions, when you didn’t question and send home a boyfriend of one of the students who arrived at the campsite to spend the night prior to your departure.

The purpose of this disciplinary action is to underscore the seriousness of your conduct and the District’s resolve that you will never again engage in behavior that may physically put students at risk. Although the Human Resources Department recommended that you receive a 5-day suspension, I am going to impose a 1-day suspension, however, you need to know that any future behavior of this type will result in the immediate termination of your employment with the District.

Please be aware that I am required by the Office of the Superintendent of Public Instruction to notify the Office of Professional Practices that I have reasonable reason to believe that you have committed violations of the Code of Professional Conduct. As such, a separate letter will be sent to OSPI informing them of my decision and your actions.

This letter is given to you pursuant to RCW 28A.405.300. You have a right to appeal my determination according to the appeal procedures as described in RCW 28A.405.300 and RCW 28A.405.310. It requires that your written appeal be filed within ten days of receiving this letter with me or the President of the School Board, Sherry Carr. If you do not appeal my determination in a timely manner, your suspension without pay will be imposed next school year at a time to be determined by the Assistant Superintendent for Human Resources and your building principal.

Respectfully,

Dr. Larry Nyland
Superintendent

cc: Keven Wynkoop, Principal, Ballard High School
Jon Halfaker, Executive Director of Schools
Mark Yamashita, Interim Director of Labor/Employee Relations
Elaine Williams, Labor/Employee Relations Manager
Tim Kopp, SEA UniServ Representative
Personnel file

Attachments: Policies

July 20, 2015

Catherine Slagle, Director
Office of Professional Practice
Office of the Superintendent of Public Instruction
PO Box 47200
Olympia, WA 98504-7200

Re: Nell K. Niewiadomski
Certificate # 471629F

Dear Ms. Slagle:

This letter is being submitted to you pursuant to WAC 181-86-110. As Superintendent for the Seattle School District (“District”), I possess “sufficient reliable information” to believe that Nell Niewiadomski, a certificated teacher for the District, has committed an act of unprofessional conduct.

Ms. Niewiadomski was sent a letter on June 18, 2015, discussing the acts of unprofessional conduct. In that letter, she was given an opportunity to meet with me.

Ms. Niewiadomski attended a meeting with me on July 7, 2015 to discuss these acts. On July 17, 2015 I made a determination that an act of unprofessional conduct did occur. The employee was given a 1-day suspension. The June 18, 2015 and July 17, 2015 letters are attached. I have also attached the May 22, 2015 notification letter.

If you have questions, please contact Elaine Williams at (206) 252-0290.

Respectfully,

Dr. Larry Nyland
Superintendent

Attachments: May 22, 2015 notification letter
June 18, 2015 loudermill letter
July 17, 2015 determination letter
Settlement Agreement

cc: Dr. Brent Jones, Assistant Superintendent of Human Resources
Geoffrey Miller, Director of Labor and Employee Relations
Elaine Williams, Labor/Employee Relations Manager

June 18, 2015

Delivered via Certified and Regular Mail

Nell K. Niewiadomski

RCW 42.56.230(3)



Re: Recommendation for Suspension

Dear Ms. Niewiadomski:

This letter is to advise you of the District's recommendation to the Superintendent of Seattle Public Schools that there is probable cause to impose a five (5) day suspension for your inappropriate and unprofessional conduct when you shortened your participation in a field trip to Deception Pass and allowed five (5) students to remain an extra night without a chaperone and transport themselves home the following day. This action occurred during the course of your certificated teaching duties at Ballard High School.

On May 22, 2015, you were informed that the District was investigating an allegation that you violated District policy and procedure involving the execution of a Ballard High School field trip to Deception Pass on May 17-19, 2015. You were placed on paid administrative leave and informed that you would likely remain on leave until the investigation of the allegation could be concluded. The investigation has now been concluded.

Based on information provided by you and other witnesses, it was determined that, after you agreed to cut short the overnight field trip by a day, you allowed five students who were participating in the field trip to spend an extra night (unsupervised), without an approved chaperone present. You also allowed them to transport themselves home the following day.

You were a chaperone on the field trip. About two weeks before the field trip you were asked to be a chaperone because another female chaperone had backed out. You said that you had not organized the overnight field trip, exerted no decision-making authority as you were not the lead chaperone, and did nothing but chaperone and drive students to and from the campsite in a minivan. You had, however, read, signed, and returned the Guidelines for Volunteers-Overnight Field Trips form to your administrator.

You confirmed that you were aware that students had driven themselves to the camp site, but believed that the lead chaperone had worked out all the details and approvals. You were also aware that some students were staying overnight the next day, but believed that the lead chaperone had worked out the details for that as well. When asked, you confirmed that five students remained at the campsite when you and the other chaperones left with the other students. The students who remained were unsupervised and had no chaperone.

You stated that you did not have any concern about the students who were spending the extra night, as you believed that the lead chaperone had made all the necessary arrangements. Therefore, you did not question the decision to allow the five students to remain at the campsite when you left. You stated that you also thought it was odd when a former Ballard High School student showed up just prior to your departure, but again, believed that the lead chaperone must have known that the former student was coming to spend the night.

School administration did not approve the decision to allow the students to spend the extra night on the field trip. Your principal knew that the lead chaperone was considering cutting the field trip short, but was not aware that you and the lead chaperone had allowed some students to stay the extra night, nor was he aware that they would be unsupervised, or that students were transporting other students in their own vehicles to and from the camp site. The students were not approved drivers, not all parents of the students being transported were aware that a student driver was transporting their sons or daughters and one student rode home without the use of a seatbelt.

1. SPS District Policy No. 5006 – Unprofessional Conduct of Staff (**Exhibit 3**), states in part,

“The School Board recognizes its responsibility to protect students, staff, parents/guardians, and volunteers from physical and/or emotional harm at school and at school-sponsored events.

A. Certificated Staff

Pursuant to state law, certificated staff are required to exhibit “good moral character and personal fitness” as they teach, supervise students, or interact with others and are prohibited from engaging in unprofessional conduct. “Good moral character and personal fitness” is defined in WAC 181-86-013. Unprofessional conduct includes, but is not limited to:

...

7. Disregard or abandonment of generally recognized professional standard (i.e., any performance of professional practice in flagrant disregard or clear abandonment of generally recognized professional standards in the course of: (i) assessing; treating, instructing, or supervising students; (ii) evaluating personnel; or (iii) managing money or property);”

2. SPS District Policy No. 2320 – Field Trips and Excursions, states in part,

“Field trips which take students out of the state or are planned to keep students out of the district overnight must be approved in advance by the Superintendent or his/her designee.”

3. SPS Guidelines for Volunteer Chaperones – Overnight Field Trips, states in part,

“4. Students must be supervised at all time while at District-sponsored events.”

4. Field Trip Procedures/Risk Management, states in part,

“4. Transportation/Land:

- *Student may never drive motorized vehicles during a trip OR ride with a non-authorized individual.*
- *All occupants in vehicle must use seatbelts.”*

The finding in this investigation demonstrates decision-making on your part, through your inaction and decision not to question the decisions that had been made by others, that endangered the personal safety of students when you left them unattended, unsupervised and unchaperoned on an overnight field trip at Deception Pass and then allowed them to be transported back to Seattle with student drivers. For these reasons, a five (5) day suspension is being recommended.

You are invited to meet with Superintendent Larry Nyland on Tuesday, July 7 at 11:30 am to respond to the proposed five (5) day suspension. You have a right to representation at this meeting. If you wish to take advantage of this opportunity to respond to the allegations, you must contact Labor/Employee Relations Manager Elaine Williams at 206-252-0290 before 5:00 pm on Friday, June 26, 2015, to confirm your meeting with the Superintendent. Please leave a detailed voicemail message with current contact information in the event she does not answer the phone. Failure to timely contact Ms. Williams will be considered a waiver of your right to respond to the allegations and the District will make a final decision without further notice to you.


Respectfully,



Dr. Brent C. Jones
Assistant Superintendent for Human Resources

Cc: Dr. Larry Nyland, Superintendent
Keven Wynkoop, Principal, Ballard High School
Jon Halfaker, Executive Director of Schools
Elaine Williams, Labor/Employee Relations Manager
Tim Kopp, SEA UniServ Representative
Personnel file

Attachments: Policies


	UNPROFESSIONAL CONDUCT OF STAFF	Policy No. 5006 January 22, 2014 Page 1 of 3
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The School Board recognizes its responsibility to protect students, staff, parents/guardians, and volunteers from physical and/or emotional harm at school and at school-sponsored events.

A. CERTIFICATED STAFF

Pursuant to state law, certificated staff are required to exhibit "good moral character and personal fitness" as they teach, supervise students, or interact with others and are prohibited from engaging in unprofessional conduct. "Good moral character and personal fitness" is defined in WAC 181-86-013. Unprofessional conduct includes, but is not limited to:

1. Violation of written contract;
2. Crimes against children as listed in RCW 26A.400.322;
3. The physical injury of children;
4. Sexual misconduct with children or students;
5. Misrepresentation or falsification in the course of professional practice (i.e., any falsification or deliberate misrepresentation, including omission, of a material fact by an education practitioner, including but not limited to: (i) statement of professional qualifications; (ii) application or recommendation for employment, promotion, certification, or an endorsement; (iii) application or representation for college admission, scholarship, grant, award, or similar benefit; (iv) representation of completion of in-service or continuing education credit hours; (v) evaluation or grading of students and/or personnel; (vi) financial or program compliance reports submitted to agencies; and (vii) information submitted to OSPI or law enforcement related to an official investigation.
6. Possession, use, consumption, or being under the influence of alcohol or of an illegal and/or controlled substance, including marijuana (cannabis), on school premises or at a school-sponsored activity involving students (possession of an unopened container of alcohol in a locked motor vehicle is allowed);
7. Disregard or abandonment of generally recognized professional standards (i.e., any performance of professional practice in flagrant disregard or clear abandonment of generally recognized professional standards in the course of: (i) assessing; treating, instructing, or supervising students; (ii) evaluating personnel; or (iii) managing money or property);
8. Abandonment of contract for professional services, including an extracurricular contract;
9. Unauthorized professional practice;

	UNPROFESSIONAL CONDUCT OF STAFF	Policy No. 5006 January 22, 2014 Page 2 of 3
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10. Illegal furnishing of alcohol or an illegal and/or controlled substance, including marijuana (cannabis), to a student;
11. Improper remunerative conduct (i.e., any deliberate act in the course of professional practice that requires or pressures students to purchase equipment, supplies, or services from the educational practitioner in a private capacity); or
12. Failure to report child abuse or neglect under RCW 26.44.

Certificated staff may be disciplined for engaging in unprofessional conduct according to Policy Nos. 5280 and 5281.


When the Superintendent or his or her designee possesses sufficiently reliable information to believe that a certificated employee is not of “good moral character and personal fitness” or has committed an act of unprofessional conduct, within a reasonable period of time of making such determination, a written complaint shall be filed with the Office of Superintendent of Public Instruction.

If the District is considering action to discharge a certificated staff member, the Superintendent or his or her designee need not file such complaint until ten calendar days after making the final decision to serve or not serve formal notice of discharge. Such a written complaint shall state the grounds for revocation and summarize the factual basis upon which a determination has been made that an investigation by the Office of the Superintendent of Public Instruction is warranted.

B. CLASSIFIED STAFF

Although classified employees are not governed by the same state regulations applicable to certificated staff, the District prohibits classified staff from engaging in acts of unprofessional conduct, including but not limited to:

1. Crimes against children listed in RCW 28A.400.322;
2. The physical injury of children;
3. Sexual misconduct with children or students;
4. Providing false information to the District (i.e., timesheets, application materials, formal investigations);
5. Possession, use, consumption, or being under the influence of alcohol or of an illegal and/or controlled substance, including marijuana (cannabis), on school premises or at a school-sponsored activity involving students (possession of an unopened container of alcohol in a locked motor vehicle is allowed);

	<p style="text-align: center;">UNPROFESSIONAL CONDUCT OF STAFF</p>	<p style="text-align: center;">Policy No. 5006 January 22, 2014 Page 3 of 3</p>
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6. Disregard or abandonment of generally recognized professional standards when (i) assessing; treating, instructing, or supervising students; (ii) evaluating personnel; or (iii) managing money or property; or
7. Illegal furnishing of alcohol or an illegal and/or controlled substance, including marijuana (cannabis), to a student;

Classified staff may be disciplined for acts of unprofessional conduct according to Policy Nos. 5280 and 5281.

Adopted: April 2012

Revised: January 2014


Cross Reference: Policy Nos. 5005; 5280; 5281

Related Superintendent Procedure:

Previous Policies:

Legal References: RCW 28A.400.320 Mandatory termination of classified employees; RCW 28A.405.470 Mandatory termination of certificated employees; RCW 28A.410.090 Revocation of Authority to teach — Method — Grounds; RCW 28A.410.100 Revocation of authority to teach — Hearings and appeals; RCW 28A.410.110 Reinstatement prohibited for crimes; WAC 181-79A Standards for teacher, administrator, and educational staff associate certification; WAC 181-86 Professional certification — Policies and procedures for administration of certification proceedings; WAC 181-87 Professional certification — Acts of unprofessional conduct; WAC 181-79A-155 Good Moral Character and Personal Fitness — Necessary supporting evidence applicants

Management Resources: *Policy News*, February 2013

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The Board recognizes that field trips, when used as a device for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Such trips can supplement and enrich classroom procedures by providing learning experiences in an environment beyond the classroom.

Field trips which take students out of the state or are planned to keep students out of the district overnight must be approved in advance by the Superintendent or his/her designee. The Superintendent or his or her designee has the authority to approve or deny all other field trips.

The Superintendent or his/her designee is granted the authority to develop administrative guidelines for the operation of field trips which shall ensure that the safety of the student shall be protected and that parent permission is obtained before the student leaves the school. Each field trip must be integrated with the curriculum and coordinated with classroom activities which enhance its usefulness. Private vehicles may be used to transport students if approval is obtained in advance from the principal.

No staff member may solicit students for any privately arranged field trip or excursion without the principal's permission.

Adopted: December 2011

Revised: September 2014

Cross Reference: Policy Nos. 6625; 3520

Related Superintendent Procedure:

Previous Policies: C30.00

Legal References: RCW 28A.330.100(5) Additional powers of board; RCW 67.20.020 Parks, bathing beaches, public camps — Contracts for cooperation; WAC 181-87-090 Improper remunerative conduct

Management Resources:

Seattle Public Schools Guidelines for Volunteer Chaperones Overnight Field Trips

Thank You for Your Support!

Seattle Public Schools believes that field trips provide a valuable educational experience for students. Without the help of volunteer chaperones like you, many field trips would not be possible. We thank you very much for giving your time and support to these important activities.

In order to help ensure that District-sponsored field trips result in safe and rewarding experiences for all participants, we have prepared these guidelines to provide information about volunteering as a field trip chaperone.

Becoming a Volunteer Field Trip Chaperone

Because student safety is our paramount concern, Seattle Public Schools has established procedures for screening all school volunteers who may have unsupervised access to children. Please check the District website "Volunteering at SPS" (under the Families & Communities tab) for the latest requirements. No volunteer may chaperone a field trip until the background check and other requirements are completed. If you have recently moved to Washington State and plan to chaperone an overnight field trip, the District may require you to be fingerprinted so we may access other states' criminal history databases. Please allow sufficient time to complete this requirement before the scheduled field trip departure date.

The District also requires that volunteer chaperones be at least 21 years old to supervise students in grades 6-8, 25 years old for students in grades 9-12.

Guidelines for Volunteer Chaperones

Prior to your field trip, the lead chaperone will provide you with information regarding the activities planned for the trip, expectations for supervising students, and emergency procedures. In addition, we have developed the following general guidelines to help you perform your duties as a chaperone. If you have any questions regarding these guidelines, please contact the lead chaperone or the building principal/program manager.

1. All school rules apply on District-sponsored events. Chaperones are expected to comply with District policies, follow the directions given by the District's lead chaperone, work cooperatively with other staff and volunteers, and model appropriate behaviors for students. Be sure you are familiar with the Seattle Public Schools' *Code of Conduct*.
2. In order to comply with District policy, during District sponsored events, chaperones:
 - may not use, sell, provide, possess, or be under the influence of drugs or alcohol
 - may not use tobacco in the presence of, or within the sight of, students
 - may not possess any weapon
 - may not administer any medications, prescription or nonprescription, to students
3. Student behavior is your responsibility. School rules related to student behavior apply. Go over rules and standards of behavior, safety rules, and any site specific rules with students. Ensure that students do not get involved in any extra activities not pre-approved by administrators and parents. If a student will not follow your reasonable requests to comply with behavior and safety rules, please notify the lead chaperone or other District staff chaperone promptly.
4. Students must be supervised at all times while at District-sponsored events. Go over use

of the buddy system with students under your care. Account for all participants regularly and before changing activities. Be sure you know when and where to meet the rest of your group at the end of the visit. Chaperones must be readily available 24/7, be mindful of safety concerns, and respond to students' needs.

5. Night-time supervision can present different challenges. Chaperones should not be sleeping in the same rooms with students, but must ensure that students are in their rooms and not engaged in prohibited activities. This will generally mean a bed check at lights out and at least one additional check during the night. Your lead chaperone will help you understand the requirements and procedures for specific locations where students will be lodging. Different rules may need to be established for locations where students are staying in a gym, in open cabins or other non-traditional lodgings.
6. For the protection of both the student and the chaperone, chaperones should not place themselves in situations in which they are alone with a student.
7. Other than the spouse or partner of a chaperone, with prior written approval of the principal, family members or friends of a chaperone may not participate in a District-sponsored overnight field trip.
8. Chaperones who transport students in their personal vehicle must complete the Volunteer Driver Checklist form. You are expected to comply with all District and State student transportation rules and regulations. Be aware that your personal vehicle insurance provides primary coverage in the event of an accident or injury.
9. Be sure to know what to do in an emergency (medical emergency, natural emergency, lost child, serious breach of rule, etc.). Know who is first aid trained, where the first aid kit is, where the cell phone is kept, and who has the copies of parental permission slips with emergency phone numbers and medical information.

In the event that I have a personal emergency, please contact:

_____ _____ _____
Printed Name *Relationship* *Daytime Phone*

I acknowledge that I have received a copy of the "Guidelines for Volunteer Chaperones – Overnight Field Trips," have read these guidelines, and agree to comply with the guidelines as a school volunteer.

Name _____ Date _____
Printed Name

Name _____
Signature

FIELD TRIP PROCEDURES/RISK MANAGEMENT

1. Principals Preliminary Approval:

- The teacher must first meet with the building principal to request approval to proceed with planning. At that time the principal should be presented with information relating to the proposed trip, including, but not limited to, educational benefit. Copy of a letter outlining potential risks, proposed funding, estimated costs, estimated number of student participants, number of proposed chaperones and proposed travel plan using shall be given to the principal at this time.
- No fund raising shall commence until trip receives full approval. Approval shall be obtained prior to talking to students and parents about the proposed trip.
- Approval is given by district authorities in advance of announcing plans to students and parents.

2. Parent Input:

- The principal and advisor must agree on a process for determining the level of support by parents of students in the group. A high percentage of parental approval will be required in order to proceed with this process.
- Keep records of dates of meetings, number in attendance, and handouts/information given.

3. Plan Itinerary:

- Include departure time and place, major events, travel arrangements, planned stops and time and place for return.
- Students must be supervised at ALL times while at school- sponsored events.
- Prepare a detailed itinerary.
- High-risk activities such as mountain biking, roller-blading, canoeing, hiking, etc., require Washington Schools Risk Management Pool Special Events Liability Insurance. Contact Risk Management Services at 206-252-0710 for more application information.

4. Transportation/Land:

- Students may never drive motorized vehicles during a trip OR ride with a non-authorized individual.
- All occupants in vehicle must use seatbelts.
- Teacher shall indicate if charter carriers are to be used; indicate the charter name; and confirm they have insurance coverage.
- Students transported in private vehicles shall comply with R.C.W. 46.61.687:
 - Infants shall ride in rear-facing seats until age one or until they reach 20 pounds.
 - Children one to four years or under 40 pounds shall ride in a forward facing child safety seat restraint system.
 - Children four to six years or weighing between 40-60 pounds shall be restrained in a child booster seat. ("Child booster seat" means a restraint system that meets the Federal Motor Vehicles Safety Standard that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.)
 - Children under the age of six or weighing less than 60 pounds shall ride in the back seat if the vehicle is equipped with a passenger side air bag.
 - Children over the age of six or weighing more than 60 pounds shall be restrained with the vehicle's safety belt system. Identify designated drivers. Motor Vehicle Reports should be obtained on all designated drivers, prior to the trip to assure good driving records. If district employees are driving, Type II driving designation should be followed.

5. Transportation/Air:

- All travel arrangements should be made in accordance with established district procedures.
- If the trip is not planned by an outside organization, it is important that insurance coverage be purchased for cancellation of trip.
- If the trip is planned with the use of an outside organization, confirm they provide coverage for trip cancellation.

6. Other Insurance Considerations:

- **Foreign General Liability Coverage.** The district's current policy provides coverage for law suites brought in the United States. International Travel Liability Insurance should be purchased to insure protection if a third party is harmed or alleged to be harmed and suit is brought in a foreign country.
- **Student Medical Insurance:** Student accident insurance companies (I.E. Excel-Serv) can provide coverage for medical insurance claims that happen out-side the United States. This is secondary coverage, but is advisable.

7. Informational Meeting for Students and Parents to Discuss:

- Purpose of the trip and its relation to curriculum or activity program
- Review of steps being taken to secure administrative approval
- Present a detailed daily student itinerary
- Proposed housing arrangements
- Budget and fund raising, including review of policies
- Rules of conduct
- Rules on field trips are the same as required of students within the school confines. Student abuse of school conduct rules on a field trip are subject to the same disciplinary action as on school property
- No drugs or alcohol may be used by students, supervisors, or chaperones
- Arrangements for chaperones
- Parent information and permission requirements
- Advisor/Chaperone responsibilities (provide them with a written list)
- Emergency procedures
- Address all potential personal safety risks
- Include all information related for foreign travel such as need for immunizations, identification, laws specific to that country regarding drugs (and prescribed medications) and conduct.

Advise new arrivals to the country, including exchange students, to determine their immigration status before entering a foreign country and to take appropriate credentials with them. All other students should be advised to take appropriate identification. (consult local Consulate Office for foreign country for specific requirements). Confirm requirements of required immunizations, etc.

8. Select Adult Chaperones:

- What is the confirmed number of staff and parents supervising on this trip? The appropriate number of chaperones is to be determined by the building principal and be subject to review by the superintendent or designee.
- If the proposed trip includes both male and female students, provide chaperones from both genders.
- Advise them of their responsibilities
 - Students must be supervised at ALL times while at school sponsored events
 - No drug or alcohol use by supervisors/chaperones
- One or more of the adult supervisors/chaperones must have current First Aid/CPR card
- Room arrangements for chaperones

9. *Emergency procedures:*

- One or more of the adult supervisors/chaperones must have a current First Aid/CPR card.
- Take a First Aid Kit and Snake Bite Kit
- Safety, including potential risks, and emergency procedures must be discussed with students, parents and chaperones
- In case of illness or accident, one adult must remain with the student at all times

WHEN DISTRICT APPROVAL IS RECEIVED:

10. *Parent Permission Forms:*

- Parent Permission forms which include health information and emergency information must be completed and signed by parent or guardian, and **TAKEN ON THE TRIP BY THE FACULTY ADVISOR**. One copy should remain with the school office.

11. *Medication Procedures - Elementary Schools:*


- Contact the building nurse one month before the scheduled field trip.
- The **OVERNIGHT FIELD TRIP EMERGENCY FORM** with the district medication form on the back must be completed by all parents. This form should be taken on the field trip by the faculty advisor. If the student is to receive medication, a copy of this form must also be given to the person designated to administer the medications.
- All students who will be taking medication need a district medication form completed and signed by both the parent and the physician.
- All medication must be in the original prescription bottle and properly labeled with the name of the child, name of medication, dosage, time medication is to be given, expiration date, name of physician and the date the prescription was filled. Over-the-counter medications also require a Seattle School District medication form signed by both parent and physician and the medication must be properly labeled by the parent.
- The person designated to give medication on the field trip must be trained by the building nurse before they can administer any medication.
- All medications must be kept in a locked box or container at all times.

12. *Medication Procedure - Secondary Schools:*

- If a parent requests the school to administer medication to their student, please contact the building nurse and follow the above instructions.
- Students and parents need to be advised of all laws and regulations of the foreign country that pertain to prescription and over-the-counter drugs.

13. *Finalizing Plans:*

- Secure housing, final arrangements for transportation, requests purchase orders. etc.

 <p>SEATTLE PUBLIC SCHOOLS</p>	<p>FIELD TRIPS & EXCURSIONS</p>	<p>Policy No. 2320 September 9, 2014 Page 1 of 1</p>
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Management Resources:



August 7, 2015

Catherine Slagle, Director
Office of Professional Practice
Office of the Superintendent of Public Instruction
PO Box 47200
Olympia, WA 98504-7200

Re: Nell K. Niewiadomski
Certificate # 471629F

Dear Ms. Slagle:

This letter is being submitted to you pursuant to WAC 181-86-110. As Superintendent for the Seattle School District ("District"), I possess "sufficient reliable information" to believe that Nell Niewiadomski, a certificated teacher for the District, has committed an act of unprofessional conduct.

Ms. Niewiadomski was sent a letter on June 18, 2015, discussing the acts of unprofessional conduct. In that letter, she was given an opportunity to meet with me.

Ms. Niewiadomski attended a meeting with me on July 7, 2015 to discuss these acts. On August 7, 2015 I made a determination that an act of unprofessional conduct did occur. The employee was given a Written Reprimand. The June 18, 2015 and August 7, 2015 letters are attached. I have also attached the May 22, 2015 notification letter.

If you have questions, please contact Elaine Williams at (206) 252-0290.

Respectfully,

Dr. Larry Nyland
Superintendent

Attachments: May 22, 2015 notification letter
June 18, 2015 loudermill letter
August 7, 2015 determination letter

cc: Dr. Brent C. Jones, Assistant Superintendent for Human Resources
Mark Yamashita, Interim Director of Labor and Employee Relations
Elaine Williams, Labor and Employee Relations Manager