

BOARD OF EDUCATION
The School District of Independence

12010

The Board of Education met in regular session Tuesday, November 10, 2020, at 6:00 p.m. in the Board Room at the Board of Education Office, 201 North Forest Avenue, Independence, Missouri.

Members Present: Mrs. Denise Fears, President
 Mr. Eric Knipp, Vice President
 Dr. Matt Mallinson, Treasurer
 Mrs. Jill Esry, Director
 Mr. Greg Finke, Director
 Mr. Blake Roberson, Director
 Mrs. Carrie Dixon, Director

Also Present: Dr. Dale Herl, Superintendent
 Dr. Lance Stout, Dr. Cindy Grant, Dr. Pam Boatright, Dr. Randy Maglinger,
 Dr. Prissy LeMay, Dr. Janet Richards, Mr. Dean Katt, Mrs. Sherry Potter,
 Mr. Todd Theen, PTA, INEA, interested patrons, staff, and Ms. Annette
 Miller.

The meeting was called to order by the President, Mrs. Denise Fears, and minutes of the meeting were recorded by the secretary, Ms. Annette Miller. Mrs. Fears welcomed those in attendance including students from Ms. Doris Negaard's Pathways to Education class.

Eric Knipp made the motion to approve the November 10, 2020 Agenda as presented. The motion was seconded by Blake Roberson and unanimously approved by the Board of Education.

Dr. Herl reviewed the November 10, 2020 Consent Agenda with the Bills List totaling \$8,820,327.14 which he said is down a little due to the District being conservative based on consideration of the finances. He stated that the Administration is recommending approval to request qualifications of a construction manager at-risk for future construction projects.

Greg Finke made the motion that the Board of Education approves the November 10, 2020 Consent Agenda as printed.

1. Minutes – October 13 and 22, 2020
2. Approval of November 10, 2020 List of Bills totaling \$8,820,327.14
3. Approval to Request Qualifications for a construction manager At-Risk.

The motion was seconded by Matt Mallinson and unanimously approved by the Board of Education.

Dr. Herl stated there is an increase in COVID cases and the District posts on the ISD Dashboard updates of cases daily and they are kept for 14 days. The District is not seeing transmission in schools. He reported that the William Chrisman High School football team were quarantined due to positive cases which included several coaches and a player. In regards to remote learning and in-person classes, there are 587 elementary students on the waiting list to return to in-person learning. He stated there is a cap on classroom sizes in order to maintain social distancing. High school juniors were allowed to return to in-person classes on November 9th and 199 elected to return. At this time, the District is not bringing back any other high school students. Dr. Herl stated that DESE provided information that districts could use the rapid test and the District has applied for 17,000 tests for use with staff and students. He said employees, on District insurance, that are symptomatic would be tested at the Clinic and the Reviving Hope House location would be used for testing students who have symptoms. The rapid test allows test results in 15 minutes. He stated that the District is seeking reimbursement for all acceptable expenditures allowed through the CARES Act which is provided through Federal funds that flow to the states. Dr. Herl said the Audit is going exceptionally well and he expressed appreciation to Molly Johnson, Mardie Gardner, and everyone that has provided the necessary information to the auditors. Governor Parsons called a special session of the legislature to discuss and approve funds that will provide free meals to all students for the rest of the school year.

Several items under New Business were presented for the Board of Education's consideration.

Dr. Brent Blevins, Stifel, Nicolaus and Co., Inc., presented information on refunding a portion of the 2011 Lease Participation Certificates. He stated that fortunately the Bond market has stayed fairly flat and they were able to receive great pricing today. He thanked the District for providing a lot of information to Stifel and Nicolaus and for Dr. Herl sharing information with Standards and Poors (which rates the District). He said the District received a very high rating. Dr. Blevins stated the call date for the 2020D Certificates is March 1, 2028 and the District

received a savings of \$616,984 today. He reviewed information on the sources and uses of the funds, debt service comparison, pricing summary, and the debt service schedule with the Board of Education. He said that three large banking systems were involved in the bidding process today. He thanked the Board of Education and District for allowing Stifel, Nicolaus and Co., Inc. to assist the District with this refunding project.

Following the presentation, Blake Roberson made the motion that the Board of Education approves the following Resolution:

RESOLUTION APPROVING THE DELIVERY OF \$1,890,000 PRINCIAL AMOUNT OF REFUNDNG LEASE PARTICIPATION CERTIFICATES (THE SCHOOL DISTRICT OF THE CITY OF INDEPENDENCE, MISSOURI), SERIES 2020D FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING LEASE PARTICIPATION CERTIFICATES ISSUED IN 2011; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION WITH THE DELIVERY OF SAID CERTIFICATES; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE DELIVERY OF SAID CERTIFICATES.

The motion was seconded by Eric Knipp and unanimously approved by the Board of Education.

Dr. Herl reported that this is the second and final reading for approval of changes/additions to the following Board of Education Policies as discussed at the October 13 Board meeting: 1300, 1301, 1310, 2763, 5205, 6330, and 6145.

Jill Esry made the motion that the Board of Education approves this as the second and final reading of changes/additions to Board of Education Policies 1300, 1301, 1310, 2763, 5205, 6330, and 6145 as presented. The motion was seconded by Carrie Dixon and unanimously approved by the Board of Education. (Pages 12012-12024)

Dr. Herl said the Policy Committee is recommending approval of changes/additions to four Board of Education Regulations due to Policy changes and clarifications: 1301, 1310, 2870, and 6145.

The motion was made by Eric Knipp, second by Matt Mallinson, that the Board of Education approves the changes/additions to Board of Education Regulations 1301, 1310, 2870, and 6145 as presented. The motion was unanimously approved by the Board of Education. (Page 12025-12056)

Dr. Herl said State Statutes require the District to bid depository services every five years. He said that due to COVID-19 responses and the DESE account code changes, the District has postponed rebidding services until spring of 2021. Commerce Bank has agreed to extend their current agreement with one minor pricing change through June 30, 2021.

Greg Finke made the motion that the Board of Education approves extending the Commerce Bank agreement for depository and other banking services through June 30, 2021. The motion was seconded by Eric Knipp and unanimously approved by the Board of Education.

Dr. Stout said the District received one bid for the replacement of a walk-in freezer at Christian Ott Elementary School. He said the Administration is recommending approval of the bid from N. W. Rogers Construction, Inc. at a cost of \$59,200.00 for this project. He said several contractors had conflicts with other projects they were doing and could not commit to the timeline to have this project finished in December.

The motion was made by Blake Roberson, second by Jill Esry, that the Board of Education approves the bid of \$59,200.00 from N. W. Rogers Construction, Inc. for replacement of the walk-in freezer at Christian Ott Elementary School. The motion was unanimously approved by the Board of Education

Dr. Stout said that four companies submitted bids for the throwing events project at Van Horn High School. The Administration is recommending approval of the bid from PCC at a cost of \$56,900.00. He said this is the same company that did the baseball field turf project at William Chrisman High School.

Matt Mallinson made the motion, second by Eric Knipp, that the Board of Education approves the bid of \$56,900.00 from PCC for throwing events at Van Horn High School. The motion was unanimously approved by the Board of Education.

There being no further information to come before the Board of Education, Greg Finke made the motion, second by Eric Knipp, to adjourn the meeting and go into executive session for legal, real estate, and personnel issues at 6:27 p.m. The motion was approved as follows:

GENERAL ADMINISTRATION**Policy 1300****Equal Opportunity and Statement of Non-Discrimination, Harassment, and Retaliation**

The District is committed to providing equal opportunity in all areas of admission, recruiting, hiring, retention, promotion, contracted services, and access to programs, services, activities, and facilities. The District further commits itself to the policy that there shall be no unlawful discrimination, harassment, or retaliation against any person because of race, color, religion, disability, age, sex, gender, national origin, or any other characteristic protected by law. The District is an equal opportunity employer.

The District's equal opportunity policy extends to prohibitions against discrimination, harassment, and retaliation of and against students or employees due to the individual's race, color, religion, disability, age, sex, gender [identity](#), national origin, or any other characteristic protected by law. The District strictly prohibits such unlawful discrimination, harassment, and retaliation by its employees and students. The District also prohibits retaliatory action, harassment, or discrimination against individuals who make complaints of, report, or otherwise participate in the investigation of any such unlawful discrimination, harassment, or retaliation.

Persons who believe that they have been discriminated, harassed, and/or retaliated against in violation of this policy should report the alleged discrimination, harassment and/or retaliation to the Compliance Officer, unless the Compliance Officer is unavailable or the subject of the report. In that case, the report should be made directly to the alternative Compliance Officer (see Board Policy/Regulation 1310 [or Board Policy/Regulation 1301](#)).

[A complaint regarding sexual harassment or related retaliation of a student or employee under Title IX and that is alleged to have occurred on or after August 14, 2020, should be filed in accordance with the procedures outlined in Regulation 1301. Any complaint regarding sexual harassment or related retaliation of a student or employee under Title IX and that is alleged to have occurred before August 14, 2020, should be filed in accordance with the procedures outlined in Regulation 1310.](#)

All employees, students, and visitors who have witnessed any incident or behavior that could constitute discrimination, harassment, or retaliation under this policy must immediately report such incident or behavior to the District's Compliance Officer for investigation.

If a student alleges sexual misconduct on the part of any District employee to any person employed by the District, that person will immediately report the allegation to the Children's Division (CD) of the Department of Social Services in accordance with state law.

All complaints of violation of this policy will be promptly investigated by the District, and appropriate action will be taken.

Policy 1300
Page 2**Public Notice**

The superintendent or designee will continuously publicize the District's policy prohibiting discrimination, harassment, and retaliation, and will disseminate information to employees, parents/guardians, and students, as well as to newly-enrolled students and newly-hired employees, regarding how to report discrimination, harassment, and retaliation.

NEW 9/16
REV. 11/2020

GENERAL ADMINISTRATION**Policy 1301
(Regulation 1301)****Equal Opportunity****Prohibition Against Sexual Harassment and Retaliation under Title IX**

Sexual harassment is prohibited in this District. The District also prohibits retaliation against a person who files a complaint of sexual harassment or who participates in an investigation of allegations of sexual harassment under this Policy and its corresponding Regulation.

This Policy governs the District's compliance with Title IX of the Education Amendments of 1972. The following person is designated and authorized as the District's Title IX Coordinator, with the responsibility to identify, prevent, and remedy unlawful harassment and retaliation under Title IX in the District:

District Compliance Officer
201 North Forest Avenue, Independence, Missouri 64050
816-421-5300

A complaint regarding sexual harassment or related retaliation of a student or employee under Title IX and that is alleged to have occurred on or after August 14, 2020, should be filed in accordance with the procedures outlined in Regulation 1301. A complaint by students, employees, parents, and patrons of the District alleging harassment, discrimination, or related retaliation based on a protected classification under the laws identified above (outside of Title IX) should be filed in accordance with the procedures outlined in Regulation 1310. A complaint regarding the identification, evaluation, educational program, or placement of a child with a disability under Section 504 should be filed in accordance with the procedures outlined in Regulation 2110.

NEW 11/2020

GENERAL ADMINISTRATION**Policy 1310
(Regulation 1310)****Freedom from Discrimination, Harassment, and Retaliation**

It is the policy of the Board of Education to maintain a learning and working environment that is free from discrimination, harassment, and retaliation on the basis of race, color, religion, disability, age, sex, gender identity, national origin, or any other characteristic protected by law.

The District strictly prohibits unlawful discrimination, harassment, and retaliation against employees, students, or others, as provided in Board Policy/Regulations 1300, 1301, and 1310. These policies shall extend not only to students with regard to educational opportunities and freedom from discrimination, harassment, and retaliation, but also to employees with regard to employment opportunities, and to individuals with whom the Board does business.

It will be the policy of the District to continually evaluate its practices and procedures to ensure fair and equitable educational and employment opportunities and freedom from discrimination, harassment, and retaliation for all of its students and employees.

For the purposes of this Policy, the term “school personnel” includes Board members, school employees, agents, volunteers, contractors, and any other persons subject to the supervision and control of the District.

Compliance Officer

The Board will designate an individual to act as the compliance officer, and ensure that the compliance officer’s name, business address, and telephone number, as well as the District’s Board Policy 1300 are published to patrons, employees, and students on an annual basis.

The Board designates the following individual to act as the District’s compliance officer:

Human Resources Supervisor
201 North Forest Avenue
Independence, MO 64050
(816) 521-5300
Fax: (816) 521-5619

In the event the compliance officer is unavailable or is the subject of a report that would otherwise be made to the compliance officer, reports should instead be directed to the alternative compliance officer:

Director of Human Resources
201 North Forest Avenue
Independence, MO 64050
(816) 521-5300
Fax: (816) 521-5680

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It shall be the compliance officer's responsibility to assure compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, ~~Title IX of the Education Amendments of 1972~~, and the Age Discrimination Act of 1975.

The compliance officer will act to promptly investigate all complaints, either formal or informal, verbal or written, of unlawful harassment, discrimination, or retaliation because of race, color, religion, disability, age, ~~sex~~, gender ~~identity~~, national origin, or any other characteristic protected by law.

A complaint by students, employees, parents, and patrons of the District alleging harassment, discrimination, or related retaliation based on a protected classification under the laws identified above (outside of Title IX) should be filed in accordance with the procedures outlined in Regulation 1310. A complaint regarding sexual harassment or related retaliation of a student or employee under Title IX and that is alleged to have occurred on or after August 14, 2020, should be filed in accordance with the procedures outlined in Regulation 1301.

Discrimination

It is the policy of the Board of Education to maintain a learning and working environment that is free from discrimination on the basis of race, color, religion, disability, age, sex, gender, national origin, or any other characteristic protected by law.

The District does not and will not discriminate on the basis of race, color, religion, disability, age, sex, gender, national origin, or any other characteristic protected by law in the educational programs, activities, and vocational opportunities offered by the District.

The District assures that it will comply with:

1. This Policy/Regulation and state and federal law.
2. The Missouri Human Rights Act, MO. Rev. Stat. § 213.010 et seq., which prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, disability and age. The Act also makes it unlawful to retaliate against any individual for filing a complaint of discrimination and/or harassment or for participating in an investigation into a complaint of discrimination and/or harassment.
3. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

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4. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.
5. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance. The provisions of Title IX apply to students with regard to educational opportunities and freedom from harassment, employees with regard to employment opportunities and freedom from harassment, and to individuals with whom the District does business.
6. The Age Discrimination Act of 1975, as amended 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.
7. The Boy Scouts of America Equal Access Act, by which the District will provide equal access to District facilities and related benefits and services and will not discriminate against any group officially affiliated with the Boy Scouts of America, the Girl Scouts of the United States of America, or any other youth group designated in applicable federal law.
8. The National School Lunch Act, and other requirements of the U.S. Department of Agriculture (USDA), as it relates to school nutrition programs for which the District receives federal financial assistance, including the National School Lunch Program, the Special Milk Program, the School Breakfast Program, and the Summer Food Service Program.
9. All regulations, guidelines, and standards lawfully adopted under the above statutes by the United States Department of Education.

Harassment

It is the policy of the Board of Education to maintain a learning and working environment that is free from harassment on the basis of race, color, religion, disability, age, sex, gender, national origin, or any other characteristic protected by law. The District's prohibition against harassment extends not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities, and to individuals with whom the Board does business.

~~It shall be a violation of District policy for any student, teacher, administrator, or other school personnel of this District to harass or unlawfully discriminate against any other student or staff member through conduct or communication of a sexual nature. Furthermore, it shall be a violation of this Policy for any person who is not an employee or student of the District to harass~~

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~~a staff member or student of the District through conduct or comments of a sexual nature while such employee is engaged in the performance of duties for the District or while such student is under District supervision.~~

~~It shall also be a violation of District policy for any teacher, administrator, or other school personnel of this District to tolerate harassment or sexual harassment of a student because of the student's race, color, religion, disability, age, sex, gender, national origin, as defined by this Policy, by a student, teacher, administrator, other school personnel, or by any third parties who are participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the District.~~

Retaliation

The District prohibits retaliation against any person who files a complaint of discrimination, harassment, or retaliation, and further prohibits retaliation against any person who testifies, assists, or otherwise participates in any investigation, proceeding, or hearing relating to such discrimination, harassment, or retaliation. The District will discipline or take other appropriate action against any student, teacher, administrator, or other school personnel who retaliates against any such person.

Consequences and Remedies

When the District receives a report of unlawful discrimination, harassment, and/or retaliation, the District will take appropriate interim measures to protect the alleged victim(s). If, after investigation, it is determined that discrimination, harassment, and/or retaliation in violation of Policies 1300 and 1310 did occur, the District shall take prompt, effective, appropriate action reasonably calculated to end the harassment, discrimination, and/or retaliation and to protect individuals from further such harassment, discrimination, and/or retaliation.

The District will discipline or take other appropriate action against any student, teacher, administrator, or other school personnel who is found to have violated this Policy. Patrons, contractors, visitors, or others who violate this Policy may be prohibited from District property or otherwise restricted while on District property.

Grievances

It is the policy of the District to process all grievances in a fair and expeditious manner. Regulation 1310 provides mechanisms for the resolution of grievances/complaints by employees, patrons, and/or students under this Policy. [Regulation 1301 provides mechanisms for the resolution of grievances/complaints by employees, patrons, and/or students under Board Policy 1301.](#)

Policy 1310
Page 5**Students with Disabilities**

This policy and corresponding regulation do not pertain to the identification, evaluation, or placement of students under Section 504. The topics of the identification, evaluation, and placement of students under Section 504 are addressed in the following separate District policies and regulations: Policy 2110 – Equal Education Opportunity, and Policy and Regulation 6250 – Instruction for Students with Disabilities.

NEW 9/16
REV. 11/2020

STUDENTS**Policy 2763****Student Welfare****Temporary Alternative Placement Agreements**

If a parent/guardian is temporarily unable to provide care or support for their child and if the child is not in imminent danger of death, serious bodily injury, or being sexually abused, an adult relative and the parent/guardian of the child may enter into a Temporary Alternative Placement Agreement ("Agreement") with Missouri's Children's Division.

The Agreement provides for a placement with an adult relative for a period of ninety (90) days. The adult relative shall make the day-to-day decisions for the child as provided in the agreement, and shall further have the authority to make educational and medical decisions.

The adult caregiver (relative) is required to notify the District of the Agreement and is required to provide the District with notice of the Agreement.

This provision will become effective only when the Children's Division has prepared and disseminated Rules and Regulations governing such Agreements.

NEW 11/2020

SUPPORT SERVICES**Policy 5205****Building and Grounds Management****Lead Testing in Water Samples**

Subject to appropriations, the District may elect to test samples from sources of potable water in District facilities serving students under first grade in buildings built prior to 1996. A “source of potable water” means a source of nonbottled water that provides water that may be ingested by students or used for food preparation of students under first grade, including but not limited to, any tap, faucet, drinking fountain, wash basin in a classroom, or similar point of use. This does not include bathroom sinks or wash basins used by janitorial staff.

The purpose of such testing would be to determine the presence of and quantity of lead. If election to test is made, the District will submit sample(s) to a Department of Health and Senior Services-approved laboratory for analysis for the presence of lead. Written sampling results will be submitted by the laboratory to the Department of Health and Senior Services within seven (7) days of receipt.

If any of the submitted samples exceed standards for parts-per-billion of lead set by the U.S. Environmental Protection Agency (EPA), the District will promptly notify by written or electronic communication to the parents/guardian of all enrolled students. Notice to parents/guardians will include the:

1. Sampling location within the building;
2. EPA’s website for information for lead in the drinking water; and
3. The specific lead level in each testing site.

If any of the samples are at or below five parts per billion, parental notification may be made by posting on the District’s website.

NEW 11/2020

SUPPORT SERVICES**Policy 5330**
(Form 5330)**Purchasing and Supply Management****Anti-Israel Boycott Prohibition**

Pursuant to the Anti-Discrimination Against Israel Act, § 34.600, RSMo., the District will not contract to acquire or dispose of services, supplies, information technology, or construction for a total potential value of One Hundred Thousand Dollars (\$100,000.00) or more with any company, unless the contract includes written certification that the company is not currently engaged in and shall not, for the term of the contract, engage in a boycott of goods and services from the State of Israel; companies doing business in or with Israel; or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel.

The term “boycott” as used in this Policy is defined as set forth in § 34.600.3(1), RSMo.

This provision shall not apply to contractors with fewer than ten (10) employees.

Bidders for contracts described in this Policy will be required to submit with their bid a certification of compliance with this Policy (Form 5330). In addition, all contracts subject to this Policy will contain a contract provision certifying compliance with the “Anti-Discrimination Against Israel Act.”

NEW 11/2020

INSTRUCTIONAL SERVICES**Policy 6145
(Regulation 6145)****Curriculum Services****Service Animals and Professional Therapy Dogs in Schools**

~~The District recognizes that service animals may be used to provide assistance to qualified individuals with disabilities.~~ This policy governs the presence of service animals in the District's buildings, on school property (including school buses), and at school activities. The Board of Education adopts this policy to ensure that individuals with disabilities are permitted to participate in and benefit from District programs, activities and services, and to ensure that the District does not discriminate on the basis of disability.

~~Qualified~~ Students and/or adults with disabilities may be accompanied by a "service animal" as defined by federal and Missouri law on school property, in school buildings, and at school functions ~~when required~~ as permitted by law and subject to the conditions of this Policy.

Service Animals

Under federal law, a "service animal" means "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability." Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition (See, however, provisions on miniature horses below). The work or tasks performed by a service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Under Missouri law, the term "service dog" is defined as ~~any a dog specifically that is being or has been individually trained to assist a person with a physical disability by performing necessary physical tasks which the person cannot perform. Such tasks shall include, but not be limited to, pulling a wheelchair, retrieving items, and carrying supplies~~ do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Service dogs include but are not limited to: guide dogs, hearing dogs, medical alert or response dogs, mobility dogs, and mental health service dogs or psychiatric service dogs.

An emotional support dog, whose purpose is to provide comfort or companionship does not meet the definition of a service dog under Missouri or federal law.

The District will permit the use of a miniature horse as a service animal if the miniature horse has been individually trained to do work or perform tasks for the benefit of an individual with a disability.

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In determining whether to permit the use of a miniature horse as a service animal, the District will consider: (1) the type, size and weight of the miniature horse and whether the facility can accommodate these features; (2) whether the handler has sufficient control of the miniature horse; (3) whether the miniature horse is housebroken; and (4) whether the miniature horse's presence compromises legitimate safety requirements that are necessary for the safe operation of the facility. All additional requirements outlined in this Policy which apply to service animals, shall apply to miniature horses.

If an individual with a disability requests to use a service animal in a District building, on District property, in a District vehicle or at a District function, the District will not ask about the nature or extent of the person's disability. However, the District may make the following inquiries to determine whether an animal qualifies as a service animal: (1) whether the animal is required because of a disability; and (2) what work or task the animal has been trained to perform. The District may not make these inquiries when it is readily apparent that an animal is trained to work or perform tasks for an individual with a disability.

The District may request but will not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Misrepresentation of Service Dogs

In accordance with Missouri law, a person knowingly misrepresenting a dog as a service dog for the purpose of receiving accommodations of the Americans with Disabilities Act will be guilty of a class C misdemeanor and shall be civilly liable for damages resulting from such misrepresentation.

Professional Therapy Dogs

An animal that is used to provide a supportive or therapeutic service for a student does not meet the definition of a "Service Animal" which is permitted for use by qualified individuals with disabilities consistent with this Policy. However, the District may, at its discretion, permit the use of such dogs that have been individually trained and certified to work with staff to provide certain types of support for its students.

Such dogs are not for the personal use of District students or employees and will be utilized at the discretion of District administration and counselors for their intended purpose.

REV. 1/18

REV. 11/2020

GENERAL ADMINISTRATIONRegulation 1301Equal Opportunity**Prohibition Against Sexual Harassment and Retaliation under Title IX**

This Regulation governs a complaint of sexual harassment or retaliation of a student or employee, as such conduct is defined and regulated under Title IX of the Education Amendments of 1972, and that is alleged to have occurred on or after August 14, 2020. If any provision of Title IX or its regulations is held invalid or unenforceable by a court, agency, or department with legal jurisdiction over the District, the corresponding provisions in this Policy shall likewise be rendered invalid and will not be enforced.

A complaint by students, employees, parents, and patrons of the District alleging harassment, discrimination, or related retaliation based on a protected classification under the laws identified in Policy 1310 (outside of Title IX) should be filed in accordance with the procedures outlined in Regulation 1310. A complaint regarding the identification, evaluation, educational program, or placement of a child with a disability under Section 504 of the Rehabilitation Act of 1973 should be filed in accordance with the procedures outlined in Regulation 2110.

DISTRICT'S TITLE IX COORDINATOR

The following person(s) has been designated as the District's Title IX Coordinator(s):

[Insert the following information below for each designated Title IX Coordinator; the Compliance Officer is designated in Policy and Regulation 1300 and may be the same person. The District may choose to include only the position title, rather than an individual's name, but the address, phone number, and email must be connected to the designated individual.]

Title and/or Name
Address
Phone Number
Email

The District has designated the Title IX Coordinator(s) with the responsibility to identify, prevent, and remedy unlawful harassment and retaliation under Title IX in the District. The Title IX Coordinator is in charge of assuring District compliance with Regulation 1301 and Title IX of the Education Amendments of 1972. See Policy and Regulation 1310 for the individual(s) designated by the District to be the Compliance Officer with the responsibility to identify, prevent, and remedy unlawful discrimination and harassment in accordance with Title VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; as well as other state and federal nondiscrimination laws.

DEFINITIONS

For the purpose of this Regulation, the following terms are defined:

Actual Knowledge: Notice of sexual harassment or allegations of sexual harassment to any employee (other than the respondent) of the District against a person in the United States, alleged to have occurred in an education program or activity of the District. Actual knowledge does not include imputation of knowledge based solely on vicarious liability or constructive notice.

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Day: A calendar day. All timeframes and deadlines may be extended by the District for good cause, including but not limited to Board-approved holiday breaks and building closures.

Education program or activity: Locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

Formal complaint: A document filed by a complainant, or a parent or legal guardian of a student complainant, alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. Additionally, a formal complaint can be completed and signed by the Title IX Coordinator, if, in their sole discretion, they conclude that the District needs to conduct an investigation based on information in their possession, regardless of the complainant's interest in filing a formal complaint. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District. The complainant must physically or digitally sign the formal complaint, or otherwise indicate that the complainant is the person filing the formal complaint. If the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant.

Respondent: An individual who is reported to be the perpetrator of conduct that could constitute sexual harassment.

Retaliation: Intimidation, threats, coercion, or discrimination of an individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report of complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding under this Regulation.

Sexual harassment: Conduct on the basis of sex that constitutes one or more of the following:

1. A District employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Supportive measures: Non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment.. Supportive measures may include, but are not limited to, physical separation, contact limitations, reassignment, alternative work or assignments, altering class or bus seating assignments, additional supervision, counseling, training, and conferences. Supportive measures will be kept confidential to the extent possible, as long as confidentiality would not impair the District's ability to provide the supportive measures.

Illustrations and Examples of Prohibited Sexual Harassment

For the purpose of this Regulation, the determination if conduct is prohibited under Title IX is a fact-intensive question that shall be considered on a case-by-case basis. Legitimate, non-sexual physical conduct necessary to avoid physical harm to persons or property, to console an individual, or spontaneous movement during a sporting activity is not sexual harassment.

Depending on the circumstances and application of the definitions immediately above in this Regulation, examples of conduct which may or may not constitute sexual harassment, include, but are not limited to:

- sexual advances;
- request for sexual favors;
- threatening an individual for not agreeing to submit to sexual advancement;
- sexually motivated touching of an individual's intimate parts;
- coercing, forcing, or attempting to coerce or force the touching of an individual's intimate parts;

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- display of drawings, graffiti, cartoons, pictures, symbols or other written material of a sexual nature;
- sexual gestures;
- sexual or dirty jokes;
- sexually provocative or explicit speech;
- communications about or rating an individual as to their body, sexual activity, or performance; and
- verbal abuse of a sexual nature.

OBLIGATION TO REPORT

The District is steadfastly committed to providing an inclusive environment that is free from sexual discrimination and harassment for all of its students, staff, and patrons. Staff with actual knowledge of behaviors that may constitute sexual harassment and related retaliation as defined in this Regulation shall immediately report it to the Title IX Coordinator. When a formal complaint is filed with the Title IX Coordinator, the grievance process detailed below will be used. Reports of sexual harassment and/or related retaliation must contain as much specific information as possible to allow for proper assessment of the nature and extent of the investigative procedures.

RESPONSE TO ACTUAL KNOWLEDGE OF SEXUAL HARASSMENT OR RELATED RETALIATION

When the District has actual knowledge of sexual harassment or related retaliation under Title IX, the Title IX Coordinator shall:

1. Promptly contact the complainant to discuss the availability of supportive measures;
2. Consider the complainant's wishes with respect to supportive measures;
3. Explain the process for filing a formal complaint under this Regulation; and
4. Inform the complainant of the availability of supportive measures regardless of whether a formal complaint is filed under this Regulation.

The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process outlined in this Regulation. The District will only impose disciplinary consequences against a respondent for

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violations of this Regulation after the grievance process has been completed; however, the District may impose disciplinary consequences against a respondent for violations of the District's Board of Education Policies that do not constitute sex discrimination or sexual harassment prior to the conclusion of the grievance process outlined in this Regulation. If there is an immediate threat to the physical health or safety of any student arising from the allegation of sexual harassment that justifies removal, the respondent's placement shall be changed, including removal from the District. Immediately following the removal, the respondent shall be given notice and an opportunity to challenge the decision to the Superintendent in writing. The Superintendent shall issue a written decision on the respondent's challenge and such decision shall be final. If the respondent is an employee, the employee may be placed on administrative leave during the pendency of the grievance process.

GRIEVANCE PROCESS FOR FORMAL COMPLAINT

During the grievance process for a formal complaint, the District shall treat the complainant and the respondent equitably. The District will ensure that relevant evidence is objectively evaluated, including both inculpatory and exculpatory evidence, and that credibility determinations are not based on a person's status as a complainant, respondent, or witness. Additionally, the Title IX Coordinator, the investigator, all decision-makers, and any facilitator of the informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or individually. Furthermore, the District shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Formal Complaint

Formal complaints of sexual harassment under this Regulation must be submitted to the Title IX Coordinator.

A charge or complaint of sexual harassment or retaliation filed with an outside agency does not constitute a formal complaint with the District or trigger the District's obligation to follow the formal complaint grievance process as contemplated under this Regulation.

If a formal complaint involves allegations against the Title IX Coordinator, the formal complaint shall be filed directly with the Superintendent, unless the Superintendent is the Title IX Coordinator, or President of the Board of Education.

Upon receipt of a formal complaint, the Title IX Coordinator shall promptly:

1. Provide written notice of the allegations, the grievance process, and any informal resolution process to the complainant and the respondent to give both parties the

proper time to prepare a response before an interview;

a. The written notice shall include:

- i. The identities of the parties involved in the incident, if known;
- ii. The conduct allegedly constituting sexual harassment;
- iii. The date and location of the alleged incident, if known;
- iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- v. A statement that the parties may have an advisor (who may be, but who is not required to be, an attorney) present during any of their own subsequent meetings; and
- vi. The prohibition against making false statement or knowingly submitting false information.

2. Offer supportive measures in an equitable manner to the complainant and the respondent, when appropriate.

The Title IX Coordinator, at their discretion, may consolidate formal complaints if they arise out of the same facts or circumstances. If, in the course of the investigation process as outlined below in this Regulation, the investigator decides to investigate new allegations about the complainant or the respondent that are not included in a written notice previously provided to the complainant and respondent, the Title IX Coordinator will provide another written notice of the additional allegations to the complainant and the respondent.

The Title IX Coordinator must dismiss a formal complaint for any of the following reasons:

1. The conduct alleged in the formal complaint would not constitute sexual harassment even if proved.
2. The conduct alleged in the formal complaint did not occur in the District's education program or activity.
3. The conduct alleged in the formal complaint did not occur against a person within the United States.

The Title IX Coordinator may dismiss a formal complaint for any of the following reasons:

1. The complainant has notified the District in writing that the complainant would like to

withdraw the formal complaint or any allegations therein.

2. The respondent is no longer enrolled in or employed by the District.
3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If the Title IX Coordinator dismisses a formal complaint, written notice of the dismissal, including the reasons for dismissal, shall be provided to the complainant and the respondent. If a complainant or respondent wishes to appeal a dismissal of a formal complaint, they should follow the appeal process outlined in this Regulation. Dismissal of a formal complaint does not preclude the District from investigating, taking action, or imposing discipline outside of this Regulation related to the alleged conduct and in accordance with any other Board policy or regulation.

Investigation

The Title IX Coordinator, or a designee, shall serve as the investigator and be responsible for investigating formal complaints in an equitable manner that involves an objective evaluation of all relevant evidence. The District may appoint an outside investigator when appropriate. A subordinate shall not investigate a complaint of violations of this Regulation in which his or her supervisor is the alleged perpetrator or alleged victim.

The burden for obtaining evidence sufficient to reach a determination regarding responsibility rests on the District and not the complainant or respondent.

The investigator shall initiate an investigation within five (5) days of the receipt of the formal complaint by the Title IX Coordinator, unless good cause exists to extend this timeframe. All investigations shall:

1. Provide an equal opportunity for the complainant and the respondent to present witnesses and evidence;
2. Not restrict the ability of either the complainant or the respondent to discuss the allegations under investigation or to gather and present relevant evidence;
3. Refrain from requiring, allowing, relying upon, disclosing, or otherwise using questions or evidence that seek disclosure of a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in, or assisting in, their professional capacity, which are made or maintained in connection with treatment to the party, unless the District receives that party's, or party's parent's, voluntary, written consent;

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4. Provide the complainant and the respondent with the same opportunities to have an advisor present during any grievance proceeding;
5. Provide to the complainant and the respondent whose participation is requested written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the individual to prepare to participate;
6. Provide the complainant and the respondent an equal opportunity to inspect and review any evidence directly related to the allegations in the formal complaint; and
7. Result in the creation of an investigative report that fairly summarizes relevant evidence.

Employees and students should fully cooperate with the investigation process under this Regulation.

Prior to the completion of the investigative report, the investigator shall send to the complainant and the respondent the evidence related to the investigation to inspect and review. The complainant and the respondent shall have ten (10) days to submit a written response which the investigator shall take into consideration in creating the final investigative report.

At the close of the investigation, a written final investigative report will be delivered to the complainant and the respondent. The final investigative report should be completed within forty-five (45) days of the initiation of the investigation, unless good cause exists to extend this timeframe.

Upon receipt of the final investigative report, the complainant and the respondent shall have ten (10) days to submit a written response to the report to the investigator and to submit written, relevant questions to be asked of any party or witness prior to the determination of responsibility.

Determination of Responsibility

For the purposes of a determination of responsibility, the decision-maker shall be the Superintendent or their designee; however, the decision-maker shall not be the Title IX Coordinator or the investigator. The decision-maker shall receive the final investigative report as well as any written responses and additional questions to be asked that were timely submitted by the complainant and the respondent. The decision-maker will review the questions and determine their relevance. Questions are not relevant unless the questions are offered to prove that someone other than respondent committed the conduct alleged by the complainant, or if the questions concern specific incidents of the complainant's prior sexual behavior, they are only relevant if they are offered to prove consent. The decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

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Upon a determination of relevance, the decision-maker will facilitate the exchange of written questions as submitted by the complainant and the respondent by providing them to the other party or witness within five (5) days of receipt of the questions. The parties and/or witnesses must provide answers to the decision-maker within five (5) days of the date the decision-maker provides the questions to them. Each party will be given three (3) days from the date they provide responses to the decision-maker in order to submit no more than five (5) follow-up questions. The decision-maker will promptly provide the follow-up questions to the appropriate party or witness within three (3) days of receipt. Answers must be provided to the decision-maker within three (3) days from the date the decision-maker provides the questions to the party or witness.

Within ten (10) days of the deadline date the parties or witnesses must provide answers to the limited follow-up questions, the decision-maker shall make a determination of responsibility based on the final investigative report, the evidence, and all written responses timely submitted by the complainant and the respondent, and without any live testimony or hearing.

The decision-maker shall provide the written determination to the complainant and the respondent, along with information regarding the procedures and allowable bases to appeal the decision. The written determination shall include:

1. The allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the District's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the recipient to the complainant; and
6. The District's procedures and permissible bases for the parties to appeal.

The preponderance of the evidence standard shall be used in making a determination of responsibility.

If a determination of responsibility against a respondent is made, the District shall impose consequences as described below in this Regulation. After a determination of responsibility is

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made, the Title IX Coordinator shall work with the complainant to determine if further supportive measures are necessary. The Title IX Coordinator shall also determine whether any other actions are necessary to prevent reoccurrence of the harassment and to restore equal access to the education program or activity.

Appeal

Either the complainant or the respondent may appeal from a determination of responsibility or a dismissal of a formal complaint (or any allegations therein) for any of the following reasons:

1. A procedural irregularity that affected the outcome of the investigation;
2. New evidence that was not reasonably available at the time of the determination and that could affect the outcome of the investigation; or
3. A conflict of interest or bias on the part of the Title IX Coordinator, investigator, or decision-maker against either party, either generally or specifically.

Appeals shall be submitted to the Title IX Coordinator within five (5) days of a determination of responsibility or dismissal of a formal complaint (or any allegation therein). If an appeal is not timely submitted, the determination of responsibility or the dismissal of a formal complaint (or any allegation therein) becomes final.

Upon receipt of an appeal, the Title IX Coordinator shall provide written notice of the appeal to the complainant and the respondent. During the appeal process, the complainant and the respondent shall have ten (10) days to submit written statements in support of or in challenge of the appeal to the designated decision-maker on appeal; however, both the complainant and the respondent are limited on appeal to submission of only written statements. There will be no live or oral testimony.

After review of the appeal, investigative report, and any written statement submitted by the complainant and the respondent, the designated decision-maker on appeal, who shall not be the Title IX Coordinator, investigator, or the decision-maker of a dismissal or determination of responsibility, shall issue a written decision describing the result of the appeal and the rationale for the result. The written decision shall be provided to the complainant and the respondent simultaneously. This decision shall be final.

Informal Resolution

At any time after a formal complaint is filed and prior to reaching a determination regarding responsibility, the District may facilitate an informal resolution process to address the allegations made in the formal complaint. Informal resolution is only available, and may only be offered,

after a formal complaint has been filed. The informal resolution process is voluntary and does not involve a full investigation and adjudication under the grievance process in this Regulation. If the complainant and respondent both elect to engage in the informal resolution process, their voluntary consent shall be made in writing and all timeframes and deadlines in this Regulation shall be suspended.

Upon initiation of the informal resolution process, the District shall provide a written notice to the parties, which includes the following:

- The allegations;
- A statement explaining that a resolution of the complaint precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that either party may withdraw from the informal process at any time prior to agreeing to a resolution; and
- A statement explaining that the District will maintain, and may disclose, in accordance with Board Policy and the law, all investigative records gathered as a result of the complaint.

An informal resolution may include, but is not limited to the following:

- If the complainant so desires, an opportunity for the complainant to explain to the respondent that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the respondent that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- Developing a safety plan;
- Separating students; or
- Providing staff and/or student training.

The informal resolution process shall not be made available to formal complaints alleging sexual harassment under this Regulation of a student by an employee.

RETALIATION

The District prohibits retaliation against a person who files a formal complaint of sexual harassment under this Regulation, and further prohibits retaliation against a person who participates in related investigations. Complaints of retaliation related to allegations made as outlined in this Regulation shall be investigated through the grievance process outlined above.

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Notwithstanding this provision, employees or students found to have intentionally made knowingly false or materially misleading allegations of suspected harassment and/or related retaliation under this Regulation may be disciplined, up to and including dismissal or expulsion.

CONFIDENTIALITY

The District will respect the privacy of the complainant, the respondent, and the witnesses to the extent possible, consistent with applicable law as well as the District's legal obligations to investigate, to take appropriate action, and to conform with disclosure obligations as identified in this Regulation.

The complainant and the respondent shall not disclose any information obtained during the grievance process for any purpose outside of participation in the grievance process.

CONSEQUENCES

Where a determination of responsibility for sexual harassment or related retaliation as defined in this Regulation has been made, the District will provide remedies to the complainant designed to restore or preserve equal access to the District's education program or activity.

Consequences for violations of this Regulation may have educational, restorative, rehabilitative and/or punitive components.

Conduct constituting sexual harassment or related retaliation as defined in this Regulation will be subject to discipline including, but not limited to, written warning or reprimand, conference, required training, "no contact" order, reassignment, probation, suspension or termination for employees, suspension or expulsion for students, or exclusion from District property.

In the event that the evidence suggests that the conduct at issue is also a crime in violation of a Missouri criminal statute, the Title IX Coordinator shall report the conduct to the appropriate law enforcement agency charged with responsibility for handling such crimes.

As required by and in compliance with law and District policy, a report will be made to the Missouri Children's Division if there is reasonable cause to suspect abuse or neglect of a child.

RECORD KEEPING

The District shall maintain for a period of at least seven (7) years records of the following:

1. Each investigation and determination of responsibility made under this Regulation, including disciplinary sanctions imposed on the respondent and remedies provided to the complainant;

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2. Any appeal and the result therefrom;
3. Any informal resolution reached under this Regulation;
4. Materials used for training the Title IX Coordinator, investigator, decision-makers, and facilitators of the informal resolution process under this Regulation; and
5. Actions taken in response to actual knowledge of sexual harassment or related retaliation under this Regulation, including supportive measures designed to restore or preserve equal access to the District's education program or activity.

TRAINING & PUBLICATION OF POLICY

The District will train its employees as required by Title IX and its implementing regulations, including but not limited to, the definition of sexual harassment and retaliation under this Regulation and the duty to report when they have actual knowledge of sexual harassment. This training will be provided to employees on an annual basis, and at such other times as the Superintendent, in consultation with the District's Title IX Coordinator, determines is necessary or appropriate. Additionally, the District will provide training, as required by Title IX and its implementing regulations, to the Title IX Coordinator, investigator, decision-makers, and facilitators of topics including, but not limited to, the informal resolution process on identifying, investigating, and reporting on acts that may constitute sexual harassment or related retaliation under Title IX, and such training materials will be posted on the District's website. District students will be notified regarding this Regulation. This Regulation will be posted on the District's website and available in Central Office.

NEW 11/2020

GENERAL ADMINISTRATION**Regulation 1310****Freedom from Discrimination, Harassment, and Retaliation**

This Regulation outlines the responsibilities of the compliance officer and provides mechanisms for the resolution of grievances/complaints by employees, patrons, and/or students relating to discrimination, harassment, and/or retaliation as provided in Board Policy 1310. [Regulation 1301 outlines the responsibilities of the Title IX Coordinator and provides mechanisms for the resolution of grievances/complaints by employees, patrons, and/or students relating to sexual harassment and/or retaliation.](#) For appeal procedures relating to the identification, evaluation, or placement of students under Section 504, see Regulation 2110 – Equal Education Opportunity.

Definitions

Compliance Officer – The administrator responsible for implementing this Policy and Regulation, including the alternative compliance officer when he or she is performing the duties of the compliance officer.

Day – A calendar day. [All timeframes and deadlines may be extended by the District for good cause, including but not limited to Board-approved holiday breaks and building closures.](#)

Discrimination – Any unfair treatment, conferring benefits upon, refusing or denying benefits to, or providing other differential treatment to an individual or class of individuals based on race, color, religion, disability, age, sex, gender [identity](#), national origin, or any other characteristic protected by law, or based on a belief that such a characteristic exists.

District/School District – The School District of the City of Independence, District No. 30.

Grievance – A complaint alleging a violation of (1) any District policy, procedure, or practice covered by ~~Title IX~~ or Section 504, or (2) other federal or state civil rights laws, rules, and regulations or Board of Education policy prohibiting discrimination on the basis of race, color, religion, disability, age, sex, gender, national origin, other than a complaint regarding a student's identification, evaluation, or placement under Section 504. (The topics of the identification, evaluation, and placement of students under Section 504 are addressed in the following separate District policies and regulations: Policy 2110 – Equal Education Opportunity, and Policy and Regulation 6250 – Instruction for Students with Disabilities.)

Grievant – Any student, parent/guardian, employee, or patron of the District who submits a grievance.

Harassment – Any intimidation, ridicule, or other insulting or threatening verbal or physical conduct that is sufficiently severe or pervasive enough that it substantially or unreasonably alters the learning or workplace environment. Conduct that could constitute illegal harassment includes, but is not limited to: graffiti, display of written material, pictures or electronic images, name calling, teasing or taunting, insults, slurs or derogatory remarks, jokes, gestures, threatening, intimidating, hostile acts, physical acts of aggression, assault or violence, theft, or

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damage to property, if such conduct is based on race, color, religion, disability, age, sex, gender, national origin, or any other characteristic protected by law, or based on a belief that such a characteristic exists.

Retaliation – Any discriminatory, harassing, or otherwise intimidating or threatening behavior directed at an individual who files a complaint of discrimination or harassment, or as a result of the individual's cooperation or participation in related proceedings or investigations.

Section 504 – Section 504 of the Rehabilitation Act of 1973.

Sexual Harassment – A form of discrimination, as defined above, on the basis of sex. ~~Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, sexually-motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or punishment is applied for refusing to comply with the advances, requests, or conduct of a sexual nature; or b) the learning or workplace environment becomes permeated with intimidation, ridicule, or insult that is based on sex or is sexual in nature and that it affects a student's or employee's ability to participate in or benefit from an educational or employment program or activity, or creates an intimidating, threatening, or abusive learning or workplace environment. Sexual harassment may occur between individuals of the same or opposite sex or gender. The District presumes that a student cannot consent to behavior of a sexual nature with an adult, regardless of the circumstance.~~ Reports of Sexual Harassment should be made as outlined in Board Policy/Regulation 1301.

~~Title IX—Title IX of the Education Amendments of 1972.~~

Compliance Officer's Responsibilities

The compliance officer or alternative compliance officer shall:

1. Develop a systematic procedure for monitoring compliance and coordinate District compliance with Policy/Regulation 1310 and all applicable laws.
2. Serve as the District's designated Section 504, Americans with Disabilities Act (ADA), ~~and Title IX~~ coordinator, as well as the contact person for compliance with other discrimination laws.
3. Receive all grievances regarding discrimination, harassment, and retaliation from students, parents/guardians, employees, and patrons of the District.
4. Review all grievances and investigate or assign persons to investigate grievances. The compliance officer may delegate duties to building-level administrators, as appropriate.

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Building-level administrators are in a unique position to identify and address discrimination, harassment, and retaliation between students, particularly when behaviors are reported through the disciplinary process and not through a grievance.

Building-level administrators will report all incidents of discrimination, harassment, and retaliation to the compliance officer for further assistance. The compliance officer may then determine that the incident has been appropriately addressed pursuant to this Policy and Regulation, or may recommend additional action in compliance with this Policy and Regulation.

5. Monitor the status of grievances to ensure that additional discrimination, harassment, and retaliation do not occur, and recommend corrective actions and consequences. Oversee the grievance process, and maintain a record of all grievance matters filed, and solutions and/or actions taken by the District with respect to each grievance.
6. Provide aggregate information regarding the number and frequency of grievances to the superintendent and/or Board as directed.
7. Identify and address any patterns or systemic problems, including the uniform application of disciplinary consequences, and report such problems and patterns to the superintendent or the Board.
8. Provide information about student, employee, parent, and patron rights as they relate to this Policy and Regulation. Ensure that annual notice of the compliance officer's name, address, and telephone number is placed in school catalogs, handbooks, etc. Ensure the required public notice of Policy 1300 and Policy/Regulation 1310 is continuously publicized, as required by Policy 1300.
9. Inform District personnel of the compliance officer's responsibilities and assure periodic meetings and/or trainings to update staff on Section 504 ~~and, the ADA, and Title IX~~ policies, requirements, activities, and developments.
10. Determine whether District employees with knowledge of discrimination, harassment, or retaliation failed to carry out their reporting duties, and recommend disciplinary action, if necessary.
11. Provide ongoing review of District bulletins, catalogs, Board policies, counseling procedures, yearbooks, and administrative regulations and practices related to compliance with Section 504 .
12. Review student-sponsored organizations and suggest criteria for compliance with Section 504 ~~and, the ADA, and Title IX~~, as needed.

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13. Make recommendations regarding changing this Policy or implementation of this Policy, and seek legal advice when necessary to enforce this Policy.
14. Become familiar with resource/information for assistance with LEA self-evaluation and remediation available from the Office for Civil Rights.
15. Assure that cooperative training agreements and/or LEA contracts have appropriate nondiscrimination statements.
- ~~16. Evaluate present practices relating to pregnant students and implementation thereof to determine compliance with Title IX regulations.~~
17. 16. Perform other duties as assigned by the superintendent.

General Provisions

Students, parents of elementary and secondary school students, employees, applicants for admission and employment, and sources of referral of applicants for admission and employment with the District have the right to file a formal complaint alleging noncompliance with regulations outlined in Section 504, or the ADA, ~~or Title IX.~~

The grievance procedures herein do not deny the right of the grievant to file formal complaints with other appropriate state or federal agencies, such as the Missouri Human Rights Commission, United States

Department of Education Office for Civil Rights, or the Equal Employment Opportunity Commission. Similarly, these procedures do not deny any right of the grievant to seek private counsel for complaints alleging discrimination.

Reporting

Persons who believe that they have been discriminated, harassed, and/or retaliated against in violation of Board Policies/Regulations should report the alleged discrimination, harassment and/or retaliation to the compliance officer, unless the compliance officer is unavailable or is the subject of a report. In that case, the report should be made directly to the alternative compliance officer (see Board Policy 1310).

All persons must report incidents or behaviors that could constitute discrimination, harassment, or retaliation under this policy directly to the compliance officer or alternative compliance officer. All District employees shall instruct all persons seeking to make a grievance to communicate directly with the compliance officer. District employees are required to report any observations or other information regarding actions prohibited by this Policy to the compliance

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officer for investigation.

If a verbal grievance is made, the person will be asked to submit a written complaint to the compliance officer. If such person refuses or is unable to submit a written complaint, the compliance officer will summarize the verbal complaint in writing.

Even if a grievance is not directly filed, if the compliance officer otherwise learns about possible discrimination, harassment, or retaliation, the District will conduct a prompt, impartial, adequate, reliable, and thorough investigation to determine whether unlawful conduct occurred and will implement the appropriate interim measures, if necessary. The District may take action upon finding a violation of law, District policy, or District expectations even if a grievance is not directly filed. Any attempts to voluntarily resolve a grievance will not delay the investigation once a report has been made to the District.

Investigation

The District will promptly investigate all grievances, even if an outside enforcing agency (such as law enforcement, Children's Division, or the Office for Civil Rights) is also investigating a complaint arising from the same circumstances. All individuals are required to cooperate fully in any grievance investigation. The compliance officer or other designated investigator may utilize an attorney or other professionals to conduct the investigation, as needed. The compliance officer's obligation to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

In determining whether an alleged incident or behavior constitutes discrimination, harassment, or retaliation in violation of Board Policy 1300 and/or 1310, the District will consider the surrounding circumstances, the nature of the behavior, victim and witness statements, the relationships between all parties involved, prior incidents and behaviors, the context in which the alleged incident or behavior occurred, and all other relevant information. Whether a particular incident or behavior constitutes a violation of Board policy requires a determination based on all available facts and surrounding circumstances.

Investigation timelines are aspirational and may be shortened or extended at the discretion of the compliance officer or alternative compliance officer. The grievant will be notified in the event that a deadline under this policy is extended.

If, after investigation, it is determined that it is more likely than not (preponderance of the evidence standard) that discrimination, harassment, and/or retaliation in violation of Policies 1300 and/or 1310 occurred, the District will promptly and appropriately discipline any student, teacher, administrator, or other school personnel who is found to have violated Board Policy 1300 and/or 1310, and/or take other appropriate corrective action reasonably calculated to end the harassment, discrimination, and/or retaliation.

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Grievance Process

No student or employee of the District shall intimidate, harass, or retaliate against any person filing a grievance or any person participating in the investigation or resolution of a grievance. Upon receiving a grievance, and after consultation with the compliance officer, the District may implement interim measures as described in this policy as necessary to prevent further potential discrimination, harassment, or retaliation during the pending investigation.

If the individual designated to hear a grievance or appeal pursuant to this process is the subject of the grievance, the compliance officer may designate an alternative person to hear the grievance, or the next highest step of the grievance process may be used, at the discretion of the compliance officer or alternative compliance officer.

Failure of the grievant to appeal a decision within the timelines provided by this policy will be considered acceptance of the findings and any corrective action taken.

Level I: Compliance Officer

A grievance is filed with the District's compliance officer. The complaint shall state the nature of the grievance, the remedy requested, and the grievant's signature and date of the grievance. The grievant may request that a meeting concerning the complaint be held with the compliance officer. A minor student may be accompanied by a parent or guardian at any such meeting.

The compliance officer may, at his or her discretion, delegate the investigation to a building-level administrator or other appropriate supervisor.

Upon receipt of the grievance, an investigation shall begin promptly, but no later than ten (10) calendar days after the compliance officer receives the grievance. The compliance officer or his/her designee shall conduct a prompt, impartial, adequate, reliable, and thorough investigation, including the opportunity for the grievant and other parties involved to identify witnesses and provide information and other evidence. The compliance officer or designee will evaluate all relevant information and documentation related to the grievance.

The investigation shall be completed and a written report filed no later than forty-five (45) calendar days from the date of receipt of the grievance. The written report shall include a determination of whether the allegations have been substantiated as factual and as a violation of Board Policy/Regulation 1310 by a preponderance of the evidence. If a violation of Board Policy/Regulation 1310 is found, the compliance officer or designee's report will also recommend corrective action to address the discrimination, harassment, or retaliation, to prevent recurrence, and to remedy its effects.

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The grievant, the victim (if someone other than the victim filed the grievance), and any alleged perpetrator will be notified in writing, within seven (7) days of the completion of the written report, regarding whether the District's compliance officer or designee determined that the District's Policy 1300 and/or 1310 was violated.

Level II: Superintendent

Within ten (10) days after issuance of the Level I decision, the grievant, the victim (if someone other than the victim filed the grievance), or any alleged perpetrator may appeal the compliance officer's decision to the superintendent by notifying the superintendent in writing. The superintendent may, at his/her discretion, designate another person to review the matter when appropriate. A written decision will be rendered by the superintendent or his/her designee within fourteen (14) days after receiving the written appeal, stating whether a violation of Board Policy/Regulation 1300 and/or 1310 was found, and if so, stating what corrective actions will be implemented.

The grievant, the victim (if someone other than the victim filed the grievance), and any alleged perpetrator will be notified in writing, within seven (7) days of the completion of the written report, of the superintendent or designee's findings.

Level III: Board of Education

Within ten (10) days after issuance of the Level II decision, the grievant, the victim (if someone other than the victim filed the grievance), or any alleged perpetrator may appeal the superintendent or designee's decision to the Board of Education by notifying the Board secretary in writing. The grievant and any alleged perpetrator may be permitted to address the Board, at the Board's discretion, and the Board may call for the presence of other persons as deemed necessary. The Board will issue a written decision within fourteen (14) days of the Board's next regularly scheduled meeting regarding whether a violation of Board Policy/Regulation 1300 and/or 1310 was found, and if so, stating what corrective actions will be implemented. The Board secretary will give the compliance office or alternative compliance officer a copy of the appeal and Board's decision.

The grievant, the victim (if someone other than the victim filed the grievance), and any alleged perpetrator will be notified in writing, within seven (7) days of the completion of the Board's written decision, of the Board's findings. The decision of the Board is final.

Confidentiality

To the extent permitted by law and in accordance with Board Policy, the District will keep confidential the identity of the grievant and any grievance or other document that is generated or received pertaining to grievances. Information may be disclosed if necessary to further the

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investigation, appeal, or resolution of a grievance, or if necessary to carry out disciplinary procedures.

The District may contact law enforcement or seek a court order to enforce this Policy when necessary, or when actions may constitute criminal behavior.

NEW 9/16
REV. 11/2020

STUDENTS**Regulation 2870
(Form 2870)****Student Services****Administering Medicines to Students****Prescription Medication**

The student's authorized prescriber shall provide a written request that the student be given medication during school hours. The request shall state the name of the student, name of drug, dosage, frequency of administration, route of administration, and the prescriber's name. The diagnosis/indication for use of the medicine shall be provided. When possible, the prescriber should state adverse effects and applicable emergency instructions.

The District shall require that a prescription label be properly affixed to the medication in question. ~~In lieu of the prescriber's written request, the District will accept a prescription label properly affixed to the medication in question.~~ Said label must contain the name of the student, name of the drug, dosage, frequency of administration, route of administration, diagnosis and the prescriber's name.

A parent/guardian must request in writing that the School District comply with the authorized prescriber's request to give medication. (The District will not administer the initial dose of any new prescription except in an emergency.)

Over-the-Counter Medication

The student's authorized prescriber shall provide a written request that the student be given medication during school hours. The request shall state the name of the student, name of drug, dosage, frequency of administration, route of administration, and the prescriber's name. The diagnosis/indication for use of the medicine shall be provided. When possible, the prescriber should state potential adverse effects and applicable emergency instructions.

A parent/guardian will provide a written request that the District comply with the authorized prescriber's request to give medication.

Emergency Medication

Written standing orders will be obtained annually for the administration of emergency medication.

Storage and Administration of Medication

A parent/guardian or other responsible party designated by the parent/guardian will deliver all medication to be administered at school to the school nurse or designee. All medication, prescription or over-the-counter, must be in a pharmacy or manufacturer-labeled container. The District shall provide secure, locked storage for medication to prevent diversion, misuse, or

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ingestion by another individual.

The administration of medication, including over-the-counter medications, is a nursing activity, governed by the State of Missouri Nursing Practice Act. It must be performed by the registered professional school nurse. The nurse may delegate and supervise the administration of medication by unlicensed personnel who are qualified by education, knowledge and skill to do so. The registered nurse must provide and document the requisite education, training, and competency verification. The nurse is also empowered to contact the prescriber or pharmacist filling the prescription to discuss the prescription if the nurse has questions regarding the administration of such medication. [Qualified employees will be held harmless and immune from civil liability for administering medication or medical services In good faith and according to standard medical practices.](#)

[School employees who are not qualified according to standard medical practices will not be required to administer medications or medical services. Such unqualified employees who refuse to administer medications or medical services will not be subject to disciplinary action for such refusal.](#)

Storage and Administration of Medication during After-School Extra-Curricular Activities

The Board of Education recognizes that some students may require medication for chronic or short-term illness/injury during after-school extra-curricular activities to enable them to remain at school and participate in the activity. Further, in accordance with the Individuals with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, the District will provide aids or services after school to students with disabilities, including after-school access to medication, in order to enable such students to participate in extra-curricular activities.

For students who require medication to participate in extra-curricular activities, the school nurse or designee may administer medication to such students. The school nurse may administer medication to students at the end of the school day, so that the medication may be taken at the end of the school day before the extra-curricular activity begins. The nurse will administer only one dosage of medication at the end of the school day. In the event that prescription medication must be taken at a specific time during the pendency of an extra-curricular activity rather than at the end of the school day, or in the event that the student's authorized prescriber indicates that multiple doses of medication must be taken by the student during the course of an extra-curricular activity, then the school nurse will provide either the athletic trainer or the activity sponsor with an appropriate dosage of the medication and the trainer or sponsor will administer the medication to the student at the appropriate time(s).

Each of the above requirements concerning administration of medication during the school day applies to the administration of medication at the end of the school day. The student's authorized prescriber shall provide a written request that the student be given medication at the end of the

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school day, a parent/guardian must request in writing that the School District comply with the authorized prescriber's request to give medication, and a parent/guardian must deliver all medication to be administered at the end of the school day to the school nurse or designee.

As an alternative to the school nurse or designee administering medication at the end of the school day, a parent/guardian may deliver medication to his/her student at the end of the school day, so that the medication may be taken at the appropriate time after school. If a parent/guardian desires to deliver medication to his/her child at the end of the school day, then he/she must provide the nurse with written notification that medication will be delivered after school, along with the following information: the name of the student, name of drug, dosage, frequency of administration, route of administration, prescriber's name, diagnosis/indication for use of the medicine, and any adverse effects and applicable emergency instructions. The parent/guardian may only deliver a single dosage of medication to his/her child each day, unless the student's authorized prescriber indicates that multiple doses of medication must be taken by the student during after-school activities. Under no circumstances is it permissible for a student to have possession of prescription medication during the school day.

If a student is in possession of prescription medication after school pursuant to this procedure, then the student will not be subject to discipline under the student discipline code. A student will be subject to discipline if he/she has possession of more than one dosage of a prescribed medication after school or if he/she has possession of more doses of prescription medication than indicated necessary by his/her authorized prescriber.

Pre-Filled Auto Syringes

~~Licensed school nurses may~~ A school nurse or other school employee trained and supervised by the nurse may be authorized by the Board of Education to maintain an adequate supply of pre-filled auto syringes of epinephrine with fifteen hundredths milligram (15/100 mg) or three tenths milligram (3/10mg) delivery at school. The school nurse shall recommend to the school board, through the superintendent, the number of pre-filled epinephrine auto syringes to be maintained at each school. Licensed school nurses have the discretion to use an epinephrine auto syringe on any student the school nurse believes is having a life threatening anaphylactic reaction based upon the nurses training in recognizing an acute episode of an anaphylactic reaction. Trained employees administering life-saving methods will be immune from civil liability for administering life-saving methods for administering a pre-filled auto syringe in good faith consistent with standard medical practices

Self-Administration of Medication

Students with asthma, anaphylaxis, or any ~~potentially life-threatening respiratory illness~~ chronic health condition may carry with them for self-administration metered-dose inhalers containing "rescue" medication. Possession and self-administration of these prescription medications must

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comply with the Missouri Safe Schools Act, 1996. The directives of this Act will be given to each parent/guardian who requests that his/her student be permitted to carry and self-administer such medication. A permission form for self-administration (Form 2870) is ~~part of this Regulation~~ required. ~~Additional requirements of this Regulation are~~ Provided however, that:

1. A licensed physician has prescribed or ordered such medications for use of the student and has instructed the student in the correct and responsible use of such medications;
2. The student has demonstrated to the student's licensed physician or designee and the school nurse, the skill level necessary to use the medications and any device necessary to administer such medications;
3. The student's physician has appended and signed a written treatment plan for managing asthma and anaphylaxis episodes of the student and for medications for use of the student. Such plan will include a statement that the student is capable of self-administering the medication under the treatment plan;
4. The student's parent/guardian has completed and submitted to the school nurse the student's treatment plan and liability statement.
5. The student's parent/guardian has signed a statement acknowledging that the district and its employees will not incur liability as a result of any injury arising from self-administration of medication by the student or administration of such medication by school staff (see Form 2870.1)

The authorization for the possession and self-administration of medication to treat a student's asthma or anaphylaxis permits authorized students to possess and self-administer such student's medication while in school, at a school sponsored activity, and in transit from school or school sponsored activity. Such authorization will be effective for the school year when issued and for the school attended when the authorization is issued. Such authorization must be renewed each subsequent year in order to remain effective. Information concerning the student's condition treatment plan, authorization, and related documents will be kept on file in the school nurse's office and be easily accessible in the event of an asthma or anaphylaxis emergency. Duplicate prescribed medication, as described in this policy, will be kept in the school's nurse's office and be reasonably accessible to the student and school staff in the event of an asthma or anaphylactic emergency.

Cardiopulmonary Resuscitation Training

Upon Board of Education authorization, the District will provide instruction in cardiopulmonary resuscitation to District students grades 9-12. The instruction will be part of a health educational course and will include hands-on practice and skill testing to support cognitive learning. However, the District may elect to develop an agreement with a first responder to provide the

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required practice and testing. Students with disabilities may participate to the extent appropriate as determined by the student's IEP or 504 Plan.

Any training course in cardiopulmonary resuscitation ("CPR") provided by the District will also include instruction on the proper use of defibrillators. Such defibrillator training will follow the standards set by the American Red Cross, the American Heart Association or similar training from a nationally recognized organization.

Automated External Defibrillators

Should the District acquire an automated external defibrillator ("defibrillator") and maintain it on school premises, the District will:

- a) Comply with applicable regulations governing the placement of a defibrillator;
- b) Ensure the defibrillator is tested at least every two years and after every use;
- c) Ensure that the defibrillator is maintained and tested according to the manufacturer's operation and maintenance guidelines;
- d) Ensure that an inspection is made of each defibrillator at least every ninety (90) days for potential issues related to its operation, including blinking lights or other obvious defects suggesting tampering or other problems with the defibrillator's functionality.

Any person who gratuitously and in good faith renders emergency care by use of the District's defibrillator will not be liable for any civil damages or subject to any criminal penalty unless the user acts in a reckless or wanton negligent manner.

Administration of Asthma Rescue Medication

The Board of Education, by a majority vote, may authorize a licensed registered nurse to maintain a supply of asthma related rescue medication at each District school. The nurse will recommend the quantity of such medication to be maintained. The asthma rescue medication will be obtained by prescription written by a licensed physician, a physician's assistant, or nurse practitioner. Such prescription shall list the District as the patient, will contain the nurse's name, and will be filled at a licensed pharmacy. A school nurse or other school employees trained by and supervised by the nurse shall have the discretion to use asthma related rescue medications on any student the school nurse or trained employee believes is having a life-threatening asthma episode based upon their training in recognizing an acute asthma episode. Immunity, under §167.624, from civil liability for trained employees administering life saving methods shall apply to trained employees administering an asthma related rescue medication under this policy.

Parent/Guardian Administration

In situations where the above requirements are not met, or any time the parent/guardian chooses, the

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parent/guardian may come to school to administer medicine to his/her student.

Exception for Potentially Harmful Administration

It shall be the policy of this District that the District will not knowingly administer any medication to a student if the District's registered professional school nurse believes, in his/her professional judgment, that such administration could cause harm to the student, other students, or the District itself. Such cases may include, but are not necessarily limited to, situations in which the District is being asked to administer medication in a dosage that exceeds the highest recommended dosage listed in the current annual volume of the Physician's Desk Reference or other recognized medical or pharmaceutical text.

Rev. 10/2013
REV. 11/2020

INSTRUCTIONAL SERVICES**Regulation 6145****Curriculum Services****Service Animals and Professional Therapy Dogs in Schools****Guidelines for Use of **A** a Service Animal or service dog on School Property or **A**at School Functions**

The terms “service dog” and “service animal” are used interchangeably throughout this Regulation.

Requests: A person who wants to be accompanied by his/her service animal must make a prior written request of the school’s principal if the service animal will come into a school. A person who wants to be accompanied by his/her service animal must make a prior written request of the superintendent for all other locations. These requests must be renewed annually.

A. **Students:** Use of a service animal by a qualified student with a disability will be permitted in school when **required by law, including if** it is determined that the student’s disability requires such use in order to have equal access to the instructional program, school services and/or school activities or when the student’s IEP or 504 team determines that the student requires the use of a service animal to receive a free appropriate public education. The student will be primarily responsible for the care and control of any animal used as an accommodation unless otherwise provided in the IEP or Section 504 plan. All other requirements of this Policy apply. Parents or animal handlers who may be present in school for the purpose of assisting a student with his/her service animal will be required to submit to a sex offender registry and criminal background check. In addition, parents and handlers must comply with all standards of conduct that apply to school employees and volunteers.

B. **Employees:** Use of a service animal by a qualified employee with a disability will be permitted when **required by law, including if** such use is necessary to enable the employee to perform the essential functions of his/her job or to enjoy benefits of employment comparable to those similarly situated non-disabled employees. All other requirements of this Policy apply.

Vaccinations: The service animal must be immunized against diseases common to that type of animal.

Health: The service animal must be in good health. The owner or handler of the animal must submit each school year to the school principal and/or superintendent documentation from a licensed veterinarian the following: a current veterinary health certificate; and proof of the service animal’s current vaccinations and immunizations.

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Control: A service animal must be under the control of its handler at all times. A service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control through voice, signals or other effective means.

Supervision and Care of Service Animals: The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up. The District is not responsible for the care or supervision of a service animal. The District shall not be responsible for the training, feeding, grooming or care of any service animal permitted to attend school or a school function under this Policy.

Damages: The owner or handler of a service animal is solely responsible for any damage to school property or injury to personnel, students, or others caused by the animal and **must will be asked to** provide proper proof of liability insurance to cover such damages on an annual basis.

Removal of Service Animals from School Property

District administrators may ask an individual with a disability to remove a service animal from District buildings, property, vehicles or activities if:

1. The animal is out of control and the animal's handler does not take effective action to control it;
2. The animal is not housebroken;
3. The presence of the animal poses a direct threat to the health and safety of others;
4. The student, employee or handler fails to appropriately care for the animal, including feeding, exercising, taking outside for performance of excretory functions, and cleaning up;
5. The presence of the animal significantly disrupts or interferes with the educational process, school activities or the instruction program;
6. The animal fails to consistently perform the function(s)/service(s) for which it has been trained and brought to school; or
7. The presence of the animal would require a fundamental alteration to any school program.

If the District properly excludes a service animal based on the factors detailed herein or on any other legal basis, the District will provide the individual with a disability the opportunity to participate in the service, program or activity without having the service animal on the premises.

Emotional Support/Professional Therapy Dogs

An animal that is used to provide comfort, emotional support, or other therapeutic service does

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not meet the definition of a Service Animal or Service Dog which is permitted for use by students, employees, and patrons of the District consistent with this Policy. However, the District may employ the use of such dogs to work with staff or provide certain types of support for its students at the discretion of District administration and counselors for their intended purpose.

Admission of Service Animals to Public Events

Individuals with disabilities may be accompanied by their service animals while on District property for events or activities that are open to the general public. This right of access does not extend to the schools generally or to other activities that are not open to the general public.

School administrators may inquire of the owner or handler of an animal whether the animal is required because of a disability and the specific tasks the animal has been trained to perform, but shall not ask questions about an individual's disability.

The District shall not require an owner or handler of a service animal to pay an extra charge for the animal to attend events for which a fee is charged, but the individual is liable for any damage done to the premises or facilities by such an animal.

District administrators may revoke or exclude the service animal if the animal poses a direct threat to the health and safety of others, the use of the animal would result in substantial physical damage to the property of others, or would substantially interfere with the reasonable enjoyment of the event or activity by others.

Guidelines for Use of Aa Professional Therapy Dog on School Property or Aat School Functions

Staff members may use therapy dogs in the course of their regular duties only after receiving permission from the administrator of the building where the animal will be used. Before permission to use a therapy dog is granted, staff members must provide:

1. Proof the dog has been trained and certified as a therapy dog by an organization approved by the district;
2. An explanation of how the dog will be used, including research supporting the use of a therapy dog;
3. A plan for how the staff member will provide for the care and control of the dog;
4. A plan for how the staff member will accommodate students, other staff members, and parents with allergies to the dog;
5. A plan for how the staff member will accommodate students, other staff members, and parents who fear the dog;
6. A proposed schedule for the use of the therapy dog in District buildings.

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Vaccinations: The therapy dog must be immunized against diseases common to that type of animal.

Health: The therapy dog must be in good health. The owner or handler of the dog must submit each school year to the school principal and/or superintendent documentation from a licensed veterinarian the following: a current veterinary health certificate; and proof of the therapy dog's current vaccinations and immunizations.

Identification: The handler and therapy dog must wear appropriate identification issued by the registering organization identifying them as a registered handler and therapy dog. The handler shall bring only the registered therapy dog onto school property; no other animals will be permitted.

Control: A therapy dog must be under the control of its handler at all times. A therapy dog must have a harness, leash, or other tether, unless the use of a harness, leash, or other tether would interfere with the therapy dog's safe, effective performance of work or tasks, in which case the therapy dog must be otherwise under the handler's control through voice, signals or other effective means.

Damages: The owner or handler of a therapy dog is solely responsible for any damage to school property or injury to personnel, students, or others caused by the dog and must provide proper proof of liability insurance to cover such damages on an annual basis.

Other Requirements: The District may impose additional conditions on the presence of a therapy dog, depending on the circumstances.

Removal of Professional Therapy Dogs from School Property

District administrators may ask a therapy dog to be removed from District buildings, property, vehicles or activities if:

1. The therapy dog is out of control and the animal's handler does not take effective action to control it;
2. The therapy dog is not housebroken;
3. The presence of the therapy dog poses a direct threat to the health and safety of others;
4. The handler fails to appropriately care for the therapy dog, including feeding, exercising, taking outside for performance of excretory functions, and cleaning up;
5. The presence of the therapy dog significantly disrupts or interferes with the educational process, school activities or the instruction program;
6. The handler fails to provide the required documentation;
7. The therapy dog fails to consistently perform the function(s)/service(s) for which it has been trained and brought to school; or

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8. The presence of the therapy dog would require a fundamental alteration to any school program.


REV. 5/18

REV. 11/2020

Ayes: Denise Fears
Eric Knipp
Matt Mallinson
Jill Esry
Blake Roberson
Greg Finke
Carrie Dixon

Nays:


Secretary


President