

SCHOOL DISTRICT LEGAL STATUS

The legal basis for education in Wyoming is vested in the will of the people as expressed in the Constitution of the State of Wyoming, the statutes pertaining to education, court interpretation of the laws, and the powers implied under them.

The Constitution of the State of Wyoming charges the legislature to provide for the establishment and maintenance of a complete and uniform system of public instruction.

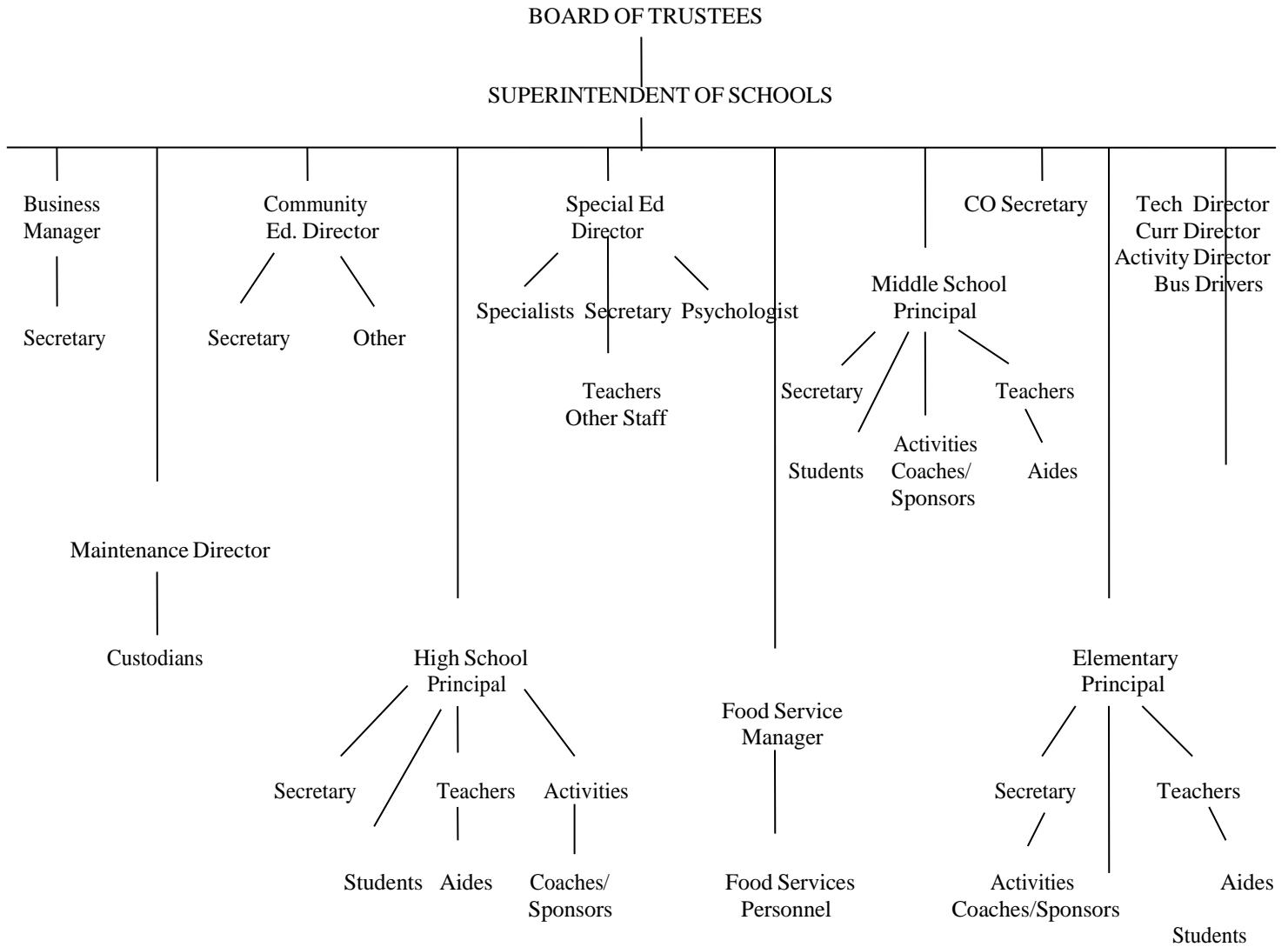
The school district is a body corporate (W.S. §21-3-101).

The official name of this district is Big Horn County School District No. 2, State of Wyoming (W.S. §21-3-104).

The board of trustees of the school district is to be the governing body of the school district (W.S. §21-3-105).

ORGANIZATIONAL CHART

Code:AA-BH2



Adoption Date: December 11, 2006

Code: AB

THE PEOPLE AND THEIR DISTRICT

Reference Leadership Governance Policy 2.7 Community Relations

Adoption Date: December 11, 2006

NONDISCRIMINATION

This district is committed to a policy of nondiscrimination in relation to race, color, national origin, sex, age, disability, and religion. This policy should prevail in all matters concerning staff, students, education programs and services and individuals with whom the school district does business.

The school staff should establish and maintain an atmosphere in which students can develop attitudes and skills for effective, cooperative living, including:

- a) respect for the individual regardless of economic status, intellectual ability, race, color, national origin, sex, age, disability, or religion;
- b) respect for cultural differences;
- c) respect for economic, political, and social rights of others;
- d) respect for the rights of others to seek and maintain their own identities.

The school district, in keeping with the requirements of state and federal law, will strive to remove any vestige of prejudice and discrimination in employment, assignment and promotion of personnel; in location and use of facilities; in educational offerings and instructional materials.

All employees, students and community members are hereby notified that this district does not discriminate on the basis of sex in educational programs receiving federal or state financial assistance and that it does intend to comply with Title IX of the educational amendments of 1972 and as subsequently amended.

The district shall strive to inform students, parents, employees, and the general public that all educational programs, specifically including vocational opportunities, are offered without regard to race, color, national origin, sex, age, disability or religion. In order to accomplish this, a statement of nondiscrimination shall be included in the faculty and student handbooks, if any, and shall be published at least once a year in a newspaper of general circulation in the district. The notice shall include a reference to the person and the address and telephone number of the staff member designated to coordinate civil rights compliance. For purposes of this district, that person shall be the Superintendent of Schools.

All students shall be permitted to enroll in all school programs, including vocational education programs without consideration of their race, color, national origin, sex, disability, or religion. To the extent that a prerequisite class may be required before admission, such prerequisite class shall be open to students on a nondiscriminatory basis. No student shall be denied admission or a free and appropriate public education (FAPE) on account of his/her limited English language skills.

Counselors shall not use counseling materials and activities or promotional and recruitment efforts that discriminate in any manner and counselors shall not direct or urge any student to enroll in a particular class program on account of that student's race, color, national origin, sex, disability, or religion. All students shall have equal opportunities available to participate in cooperative

education, work study, and apprenticeship training programs either now offered or which may be offered in the future.

All employees of this district shall be hired, retained, promoted, transferred, compensated or, if necessary, terminated without regard to their race, color, national origin, sex, age, disability, or religion.

Students with disabilities shall be admitted and given equal access to programs and shall not be denied access to vocational education programs or other courses because of architectural or equipment barriers or because of the need for related services or auxiliary aids to the extent reasonable to accommodate students with disabilities. To the extent possible, individuals with disabilities shall be placed in regular vocational education programs and education courses.

In addition, the District shall provide equitable access to, and participation in, its federally-assisted programs for students, teachers, and other program beneficiaries with special needs regardless of gender, color, race, disability, national origin, age. Individuals with concerns regarding equitable access should contact the District's Superintendent for Personnel.

Legal references: W.S. §21-4-301, §21-7-302, Wyoming Constitution, Article 7, 10 Civil Rights Act of 1964 as amended in 1972, Title VI, 34 CFR, Part 100, Title VII Executive Order 11246, 1965, as amended by Executive Order 11375 Equal Employment Opportunity Act of 1972, Title VII Education Amendments of 1972, Title IX (P.L. 92-318), 34 CFR Part 106, Section 504 of the Rehabilitation Act of 1973, 34 CFR, Part 104 and the Age Discrimination Act of 1975 and as amended.

Adoption Date: 12/11/2006

Revised: 12/16/2017, 12/11/2017

TITLE IX AND OTHER DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

Any employee, student and/or the parents/guardian of any student or employee who believe they have been subject to discrimination or harassment on the basis of race, sex, marital status, sexual orientation, pregnancy, national origin, disability, criminal record, political activity, religion, or creed which in any way adversely affects their employment, access to, participation in, ability to benefit from, admissions, membership, or otherwise results in inequality in any school-sponsored organizations, clubs, facilities, activities, or programs, is encouraged to utilize the due process procedure set forth below as a mechanism to resolve his/her complaint.

CIVIL RIGHTS COMPLIANCE OFFICER:

Big Horn County School District No. 2 designates Jeanette Ohman, whose address is 325 West 9th Street, Lovell, WY 82431, 307-548-6563, as the District's Civil Rights Compliance Officer for all civil rights issues, inclusive of disability not covered by the Section 504 Due Process Procedures. The District's Civil Rights Compliance Officer shall also act as the Title IX Coordinator. The Civil Rights Compliance Officer shall have responsibility to coordinate efforts to comply with and carry out responsibilities under Title II, Title IX, Title VII, and all other civil rights and discrimination laws, both state and federal. The Compliance Officer shall have responsibility to investigate any complaint communicated to the Compliance Officer alleging noncompliance or alleging any actions that would be prohibited by Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, all civil rights laws, including both state and federal laws, in any way governing discrimination and/or harassment based upon a protected class. The District may designate a different person to carry out the duties of the 504 Compliance Officer.

SECTION 504:

With regard to any complaint involving identification, evaluation, or placement involving Section 504, you are entitled to receive notice of your student and parental rights regarding Section 504. The hearing procedures relating to identification, evaluation and/or placement under Section 504 can be found in the procedures entitled 504 Due Process Procedures (ACE-R). Any person wishing to file a complaint regarding 504 Due Process Procedures is directed to contact Jeanette Ohman, Section 504/ADA Coordinator, (325 West 9th Street, Lovell, WY 82431, 307-548-6563).

RECORDS:

With regard to any claim involving harassment or discrimination, you shall also be given the opportunity to examine all relevant records. Documents submitted or utilized in the grievance procedure shall be retained for not less than two (2) years.

NONRETALIATION:

No retaliation (reprisal) of any kind shall be taken against any person participating in this grievance procedure either as a complainant, respondent or witness.

PROCEDURES:

1. It is often possible to resolve complaints informally at the level at which the alleged discrimination occurred. Therefore, before a formal complaint is filed, the following informal procedure should be followed.
2. If a student feels he/she has been discriminated against or harassed or otherwise has a grievance pertaining to any state or federal nondiscrimination laws, the student and/or student's parents/guardian are encouraged to attempt to discuss the matter with the student's teacher in an effort to resolve the problem as expeditiously as possible. In some cases, such as allegations of sexual harassment by the teacher, discussing the complaint with the teacher who is alleged to have engaged in such conduct may not be appropriate. In such cases, the student and/or the student's parents may discuss their complaint with the principal as described below.
3. If after discussion with the teacher the student or student's parents/guardian are not satisfied with the disposition of the matter, he/she shall have the right to present the matter and discuss it with the principal.
4. Similarly, if any other employee of the District feels that he/she has been discriminated against or harassed, the employee is similarly encouraged to present the matter to the principal and discuss it with the principal or, if an administrator other than the principal is his/her supervisor, then with the appropriate administrator. The administrator shall, within ten (10) school days, investigate the matter and provide a written decision regarding the complaint, and if the complaint is determined to be valid, a proposed resolution to the complaint.
5. If the aggrieved student or employee is not satisfied with the disposition of his/her grievance by the principal or if no decision has been rendered within ten (10) school days after presentation of the grievance in writing, he/she may file a formal written complaint with the Compliance Officer for Big Horn County School District No. 2. At that stage the complainant will be required to elect to either proceed forward on an informal basis with the Compliance Officer conducting an impartial investigation and informal hearing or, alternatively, the complainant may request a formal hearing to be conducted before the Compliance Officer. If the Compliance Officer is alleged to not be impartial, the hearing shall be before the Superintendent of Schools; and if complainant asserts that neither is impartial, then the Superintendent shall appoint another person to act as the impartial hearing officer.

Informal Process: If the Complainant elects to utilize an informal hearing process, complainant will be required to execute a written waiver of formal hearing. The informal hearing process will allow the complainant to submit to the hearing officer all documents and information supporting complainant's position and also provide the hearing officer with the names of all witnesses that would support complainant's position. A copy of all information provided to the hearing officer will also be provided to the party alleged to have engaged in the harassment or discrimination. The hearing officer shall, within fifteen (15) school days after receipt of the complaint, interview the complainant, the charged party, and any witnesses that either party believes have relevant

information to the complaint or the defense thereof, as well as any other persons the hearing officer deems appropriate to interview. The hearing officer will give both the charging party and the responding party an opportunity to present their positions in the presence of each other and with the assistance of a representative, including legal counsel, as they deem appropriate. The oral presentation of the grievance shall occur not sooner than fifteen (15) school days or later than thirty (30) school days after the original complaint is filed. A formal written decision of the hearing officer will be provided to both parties together with a directive for resolving the matter if the complaint has been substantiated. The proposed resolution may include any disciplinary procedure against the student, up to and including expulsion, and may include any disciplinary procedure against a staff member, up to and including termination.

Formal Hearing Process: If complainant requests a formal hearing, complainant will notify the District's Compliance Officer, who will conduct the hearing, unless alleged to not be impartial, in which case the hearing officer will be the Superintendent unless he/she is alleged not to be impartial, in which case the hearing officer will be selected as provided for above. The complaint shall specify the basis of the claim providing names, dates and locations, to the extent available. Complainant shall also provide the name of any person, including legal counsel, who will assist or represent complainant. Upon receipt of a complaint and a request for formal hearing, the hearing officer shall notify the party being charged with the harassment or discrimination and provide his/her with a copy of the written complaint filed by the complainant. Within ten (10) school days, a meeting will be held between the complainant and/or his/her representatives and the individual against whom a claim of harassment or discrimination is asserted and/or his/her representatives for the purpose of selecting a hearing date. The hearing shall be held within thirty (30) school days from the date of that meeting. The parties shall also set a date to exchange documents, exhibits, and a list of proposed witnesses. The hearing shall be held and conducted generally in compliance with the Wyoming Administrative Procedures Act. The hearing shall be recorded in such a manner that it can be transcribed, if necessary.

The student, parent/guardian or employee asserting a charge of harassment or discrimination based upon protected classification shall be considered the petitioner and have the burden of proof. The charging party shall first present his/her evidence, after which the responding party shall present his/her evidence in defense thereof, after which the charging party may be permitted to reply. Both parties will have an opportunity to give an opening statement, to present evidence and call witnesses, cross-examine opposing witnesses, and thereafter present a closing statement. Each side may be requested, if represented by legal counsel, to present proposed findings of fact and conclusions of law. The hearing officer shall, within fifteen (15) school days following completion of the hearing, draft proposed findings of fact and conclusions of law rendering a decision on the claim, which findings and conclusions of law shall thereafter be delivered to both the charging party and the responding party. If the claim is substantiated, the conclusions shall include a recommended resolution to the complaint.

The Compliance/hearing Officer may at any time he/she deems it appropriate, engage the assistance of an attorney to assist in conducting the hearing.

Appeal: Either the charging party or the respondent shall have the right to appeal the decision of the hearing officer to the Board of Trustees of Big Horn County School District No. 2. Any

person desiring to appeal the decision of the Compliance/hearing Officer shall file with the Board of Trustees a notice of intent to appeal within ten (10) school days after receipt of the findings of fact and conclusions of law. For the purpose of determining receipt, the parties will be deemed to have received the findings of fact and conclusions of law two (2) days after they are placed in the mail to the address provided by the complainant or the responding party. A copy of the notice of appeal must be delivered to the Board of Trustees, the District's Compliance Officer, and the other party to the complaint. Thereafter, the party desiring an appeal shall file with the Board of Trustees within ten (10) school days, a written memorandum explaining the basis of the appeal and the reason the appealing party is asking the Board of Trustees to reverse the decision of the hearing officer. A copy of this memorandum shall be served upon the other party to the complaint, who shall then have ten (10) school days to file a response. The Board of Trustees of the School District shall within thirty (30) days after receipt of the final memorandum, meet to review the matter. At its sole discretion the Board of Trustees may request the parties to appear and present a verbal argument or, alternatively, may decide the matter on the basis of the evidence presented to the hearing officer, the findings of fact and conclusions of law rendered by the hearing officer, and the memoranda presented by the parties. At its option the Board may also request the hearing officer to explain any decisions rendered. The Board shall render a written decision on the appeal to all parties within twenty (20) school days after the meeting of the Board of Trustees at which the appeal is considered. The Board may authorize and direct the Chairman or Vice Chairman to sign off on the written decision decided upon by the Board of Trustees without the requirement of an additional meeting.

Appeal to District Court: The decision of the hearing officer as reviewed by the Board of Trustees may be appealed to the appropriate District Court within and for the State of Wyoming as provided for the appeal of administrative decisions in the Wyoming Rules of Appellate Procedure.

Limitations: Any student, parent or employee who believes the student or employee has been discriminated against or harassed based upon their protected classification, must initiate the complaint procedure at least at the principal level within sixty (60) calendar days after the student or employee knew or should have known of the act or condition on which the complaint is based, the complaint shall be considered as having been waived if the hearing process has not been initiated. In the case of a continuing discrimination or harassment, the complaint must be filed within sixty (60) calendar days of the last incident of harassment or discrimination.

Agency Contacts: Persons with complaints involving harassment and/or discrimination may also contact the Wyoming Department of Education, Office for Civil Rights Coordinator, 2nd Floor, Hathaway Building, Cheyenne, WY 82002-0050 or 307-777-6198 or the Office for Civil Rights, Region VIII, U.S. Department of Education, Federal Building, Suite 310, 1244 Speer Blvd., Denver, CO 80204-3582 or 303-844-3417 or the Wyoming Department of Employment at 1510 E. Pershing Blvd., Room 150, Cheyenne, WY 82002, 307-777-7261

SEXUAL HARASSMENT

All students and employees must be able to learn and work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment is deemed unacceptable conduct in the employment and educational environment and will not be tolerated. It shall be a violation of this policy for any student or employee of the school district to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy. This policy is equally applicable to sexual harassment between supervisors and workers, between co-workers, between students, and between students and employees. This policy shall be in force on and off school district property, i.e., at school activities and/or school sponsored events that may occur away from school, and whenever school employees have jurisdiction over students. This district will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of this district. It is no defense to claim of sexual harassment that the alleged harasser did not intend to harass.

I. SEXUAL HARASSMENT DEFINED

For purposes of this policy, the following definitions shall apply:

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature, including inappropriate or adverse conduct or communication directed to an individual because of that individual's sexual orientation (i.e., lesbian, gay, bisexual) when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

Any sexual harassment as defined when perpetrated on any student or employee by a student or employee will be treated as sexual harassment under this policy.

Sexual harassment may include but is not limited to:

1. verbal harassment or abuse;
2. subtle pressure for sexual activity;
3. inappropriate patting, touching or pinching;
4. intentional brushing against a student's or an employee's body;
5. demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
6. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
7. any sexually motivated unwelcome touching; or
8. sexual violence which is a physical act of aggression that includes sexual act or sexual purpose.

II. REPORTING PROCEDURES RE: ALLEGATIONS OF SEXUAL HARASSMENT

Any person who believes (s)he has been the victim of sexual harassment by a student or an employee of the school district, or any third person with knowledge or belief of conduct which may constitute sexual harassment shall immediately report the allegations immediately to an appropriate school district official as designated by this policy. The district encourages the reporting party or complainant to use the report form available from the principal of each school building or available from the district office.

In each school building. The verbal or written report of sexual harassment at the building level may be given to either the building principal or to the superintendent, whose office is located at 502 Hampshire. The person to whom the report is made shall conduct an investigation to follow up the report or, alternatively, if the report is made to the building principal, the building principal may assign the investigation of the report to a counselor. Either person to whom a report is made shall notify the principal of the employee alleged to have done the harassment or, in the case of a student, the building principal, and the Superintendent of schools immediately upon receiving the report. If the report was given verbally, the person to whom the report is made shall reduce it to written form within 24 hours and forward it to the Superintendent. Failure to do so will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the Superintendent or, if the complaint involves the Superintendent, the complaint shall be filed directly with the Chairman of the Board of Trustees.

District-wide. The School Board hereby designates the Superintendent as the District Human Rights Officer to receive reports or complaints of sexual harassment from any individual, employee, or victim of sexual harassment and also from the building principals and/or other persons to whom reports may be made as outlined above. If any person would prefer to report to an individual other than the Superintendent, the report may be made to the LHS counselor, who

shall thereafter notify the Superintendent in the same manner as provided for above. The person to whom the report is made shall conduct an investigation or, in the event the report is made to the Superintendent, he may delegate the investigation of the report to another counselor to conduct the investigation. In the event of any complaint involving the Superintendent, the complaint shall be filed directly with the Chairman of the Board of Trustees.

Freedom from retaliation. Submission of a complaint or report of sexual harassment or sexual violence will not affect the individual's future employment, grades, work assignments, or subject complainant to retaliation of any kind.

Reporting. Use of formal reporting forms is encouraged but not mandatory. This District will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the District's legal obligations and the necessity to investigate any/all allegations of sexual harassment. Both the complainant and the alleged harasser are strongly encouraged to keep the matter confidential. The District cannot and will not prevent either from gathering information to support the claim or defend against the claim but would urge both parties to exercise the utmost care and caution in gathering information in order to keep the matter as confidential as possible.

III. INVESTIGATIONS OF ALLEGATIONS OF SEXUAL HARASSMENT.

It is the goal of this policy to have a process in place that is sensitive to the needs of the students and/or employees as well as the rights of those against whom allegations have been made. All complaints, both formal and informal, must be taken seriously and investigated by means of an Administrative Procedure as developed by the Superintendent. No retaliation will be taken against individual(s) involved in the investigation process.

IV. RECOMMENDATIONS AND ACTION(S) TAKEN.

Upon determination that a complaint is valid, the Principal or, in the case of a District complaint, the Superintendent, will take such action as appropriate based on the results of the investigation. The results of the investigation of each complaint filed under these procedures will be reported, in writing, to the complainant by either the principal, in the case of a building-level complaint or Superintendent, in the case of a district-level complaint. The report will document whether or not disciplinary action was taken as a result of the complaint. A copy of this report will be placed in either:

- a. the student files of both the complainant and the accused or
- b. the personnel files of both the complainant and the accused.

In inconclusive cases in which no harassment can be proven against the accused or malice established against the accuser, the incident report will remain in the files referred to above in order to fully document the complaint so that any future occurrences may be examined in light of

a possible pattern. In inconclusive cases where there are no subsequent reports of similar incidents within five (5) years from the date of the original report, the report, at the sole discretion of the Superintendent, may be purged from the file.

V. DISCIPLINARY ACTION.

A substantiated charge against an employee of the District shall subject such employee to disciplinary actions which may result but not be limited to verbal warnings, letters of reprimand, suspension with or without pay, and dismissal.

A substantiated charge against a student shall subject that student to disciplinary actions including verbal warnings, reprimand, counseling, and suspension or expulsion, consistent with the Student Disciplinary Code.

WITNESS DISCLOSURE FORM

Name _____ of _____ witness: _____

Position/Grade of _____ witness: _____

Date of _____ testimony, Interview: _____

Description of Incident witnessed: _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of harassment, i.e., letters, photos, etc. (attach evidence if possible):

Any other information:

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

ADMINISTRATIVE PROCEDURES FOR SEXUAL HARASSMENT INVESTIGATION

1. At such time as a student, employee or other individual reports an incident of sexual harassment or conduct which the reporting party believes constitutes sexual harassment to either the building principal, high school counselor, or the Superintendent, the person to whom the report is made shall, if a verbal report, encourage the complaining party to fill out the sexual harassment complaint form. If the report is made to someone other than the Superintendent, principal shall provide either the written report or shall reduce the verbal report to written form and, within twenty-four (24) hours, forward it to the Superintendent.
2. Within twenty-four (24) hours after the report is made, the person to whom the report is made, if the principal or the Superintendent shall determine whether or not they will investigate the complaint or assign it to the high school counselor to be investigated.
3. The person who is responsible for conducting the investigation shall, within five (5) days, attempt to contact all witnesses whom the reporting party believes can provide information and/or evidence to support the claim of harassment. The investigator shall attempt to get the witnesses to fill out the Witness Disclosure Form.
4. Within ten (10) days after the report, the investigator shall contact the alleged harasser and notify him/her of the sexual harassment that has been alleged and provide an opportunity for that individual to provide a response to the allegation of sexual harassment. The investigator shall notify the alleged harasser not only of the specific conduct alleged by the reporting party and/or alleged victim but also of any conduct which supports the claim for sexual harassment or which may support any defense of the alleged harasser which has been reported by witnesses interviewed by the investigator.
5. Within fifteen (15) days after the original report is made, the individual against whom the complaint is made shall provide to the investigator, a response to the allegations and any information, including names of witnesses, whom the person against whom the complaint is made believes are supportive of his/her position.
6. The investigator shall, within twenty (20) days, conduct such further investigation as the investigator determines is appropriate and/or conduct such meetings or conferences between the complainant and the person against whom the complaint is made as the investigator feels is appropriate.
7. Within twenty-four (24) days after the original report, the investigator shall prepare a written report containing the results of the investigation of the complaint and provide a copy to one or more both of the principal or Superintendent if they are not the investigator.

8. Within four (4) days after receipt of the report, the principal or the Superintendent shall report the results of the investigation to the complainant and the person against whom the complaint is made. The report shall document whether or not disciplinary action was taken as a result of the complaint.
9. A copy of the report will be placed in either the student files of both the complainant and the accused or the personnel files of both the complainant and the accused.
10. Reference in this administrative procedure to day shall mean business days.
11. The investigator may consult with such other sources, including other personnel in the District and/or the school's legal counsel as the investigator deems appropriate, keeping in mind the need to keep the matter as confidential as reasonably possible.

**SECTION 504 OF THE REHABILITATION ACT AND AMERICANS WITH
DISABILITIES ACT**

NOTICE OF NON-DISCRIMINATION

Applicants for admission and employment, students, parents, persons with disabilities, employees, and all unions or professional organizations holding collective bargaining or professional agreements with Big Horn County School District Number #2 are hereby notified that this school does not discriminate on the basis of race, sex, color, national origin, age, religion, or disability in admission or access to, or treatment or employment in, its programs and activities. Any person having inquiries concerning the school's compliance with the regulations implementing Title II, Title VII, Title IX, the Americans with Disabilities Act (ADA), is directed to contact Jeanette Ohman, the District's civil rights compliance officer (325 West 9th Street, Lovell, WY 82431, 307-548-6563), or Section 504 is directed to contact Jeanette Ohman, Section 504/ADA Coordinator, (325 West 9th Street, Lovell, WY 82431, 307-548-6563), who has been designated by the school to coordinate efforts to comply with the regulations regarding nondiscrimination.

Big Horn County School District #2
502 Hampshire Avenue
Lovell, WY 82431

Section 504/ADA
Guidelines and Forms
November 2010

Guidelines for Educators and Administrators

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INTRODUCTION

The purpose of these guidelines is to provide guidance to school staff regarding obligations under Section 504 of the Vocational Rehabilitation Act. These same obligations are required by Title II of the Americans with Disabilities Act (ADA).

Purpose

Section 504 was implemented to prevent discrimination against individuals with disabilities in federally funded programs. Section 504 of the Rehabilitation Act was enacted in 1973. These federal regulations were implemented in

Subpart A	General Provisions
Subpart B	Employment Practices
Subpart C	Program Accessibility
Subpart D	Preschool, Elementary, and Secondary Education Requirements
Subpart E	Postsecondary Education Requirements
Subpart F	Health, Welfare, and Social Services
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These guidelines reference Subparts A, B, C and D of the Section 504 regulations regarding student issues.

"Handicapped individuals" will hereafter be referred to as "individuals with disabilities" in order to be consistent with current educational

For many years, the main area of enforcement of Section 504 has been employment issues for individuals with disabilities. However, within the last several years, the Office for Civil Rights (OCR) has become more active in the provisions of Section 504 regarding the education of students with disabilities.

Requirement

The 504 statute prohibits discrimination against any individuals with disabilities by public schools receiving federal financial assistance.

Management

Section 504 is a general education management responsibility.

ACRONYMS/DEFINITIONS

The following are commonly used acronyms and definitions used in Section 504/ADA and special education:

ADA — Americans with Disabilities Act

ADAAG — Americans with Disabilities Act Accessibility Guidelines

ADD — Attention Deficit Disorder

ADHD — Attention Deficit Hyperactivity Disorder

AG — Annual Goal

AP — Accommodation Plan

APR — Annual Performance Report

AYP — Annual Yearly Progress

BIE — Bureau of Indian Education
CD — Cognitive Delay
CFR — Code of Federal Regulations
CIMFS — Continuous Improvement Focused Monitoring System
DD — Developmental Disabilities
DNR — Do Not Resuscitate
DOE — Department of Education
ED — Emotionally Disturbed
EI — Early Intervening
ESY — Extended School Year
FAPE — Free Appropriate Public Education
FERPA — Family Educational Rights and Privacy Act
HI — Hearing Impaired
IDEA — Individuals with Disabilities Education Act—Special Education (2004)
IEP — Individualized Education Program
IFSP — Individualized Family Service Plan
LEA — Local Education Agency
LRE — Least Restrictive Environment
LD — Learning Disability
MPRRC — Mountain Plains Regional Resource Center
NCLBA — No Child Left Behind Act
OCR — Office for Civil Rights
OHI — Other Health Impaired
OSEP — Office of Special Education Programs
OT — Occupational Therapy

Part B — Special Education for School-Aged Students

Part C — Special Education for Infants and Toddlers Birth through Two Years

PT — Physical Therapy **RtI**—

Responsiveness to Intervention **SEA**

— State Education Agency

Section 619 — Special Education for Three to Five Year Olds

SPP — State Performance Plan

RtI — Responsiveness to Intervention

TTY — A Telecommunication Device for the Deaf (Teletypewriter)

VI — Visually Impaired

504 — Section 504 of the Rehabilitation Act

DEFINITIONS

The following are definitions that will be used in this manual.

ACCOMMODATIONS—Adaptations made by classroom teacher(s) and other school staff to enable the students to benefit from their educational program. In some cases, a Section 504 plan should be developed outlining accommodations.

ADA ACCESSIBILITY GUIDELINES (ADAAG)—Standards used to meet Section 504/ADA accessibility requirements for the design, construction, and alteration of buildings.

AMERICANS WITH DISABILITIES ACT (ADA)—A civil rights law that prohibits discrimination against persons with disabilities in the areas of accessibility, employment, public services, public accommodations, transportation, and communication.

BARRIER-FREE ENVIRONMENT—A school environment that contains no obstacles to accessibility and usability by students and other individuals with disabilities. Barriers can be physical and nonphysical.

CONSENT — Written parent permission before initial evaluation and initial education placement.

CONTAGIOUS DISEASES PROTECTED UNDER 504—Contagious diseases are those that can be transmitted from person to person. Examples are diseases such as AIDS, HIV, and tuberculosis.

EARLY INTERVENING—A group of school staff knowledgeable about the student who work together recommending accommodations to help the student succeed in his/her general education program. This is sometimes referred to as a pre-referral process. Every effort should be made to keep the student in the general education program. A referral is made for an evaluation after all efforts have failed.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)—The federal law and regulations that address student record keeping and confidentiality.

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)—Related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of non-disabled persons are met.

INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT, (IDEIA) 2004—Federal special education law and regulations.

MAJOR LIFE ACTIVITY—Functions such as caring for one's self, walking, seeing, hearing, speaking, breathing, learning, and working. General functions include: lifting, bending, sleeping, reading, concentrating, thinking, communicating, and eating. Major bodily functions include: the immune system, digestion, bowel, bladder, respiratory, cell growth, neurological, brain, circulatory, endocrine, and reproductive functions.

OFFICE FOR CIVIL RIGHTS (OCR)—This federal agency has three primary responsibilities: investigating complaints, conducting compliance reviews, and providing technical assistance. There are 10 regional offices located throughout the United States.

PHYSICAL OR MENTAL IMPAIRMENT—(1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or physical disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; drug addiction; and alcoholism.

PROGRAM ACCESSIBILITY—The school will ensure programs and activities are accessible to and usable by persons with disabilities. In many instances, programs and activities may be made accessible through slight modifications and adjustments in procedures, practices, and policies. In others, building renovation or construction may be required. Structural change is required only where program accessibility cannot be achieved effectively through other means.

PROGRAM OR ACTIVITY—In the context of Section 504/ADA, this includes all operations of State and local agencies that receive federal funds. This includes colleges, universities, and/or school districts.

PUBLIC ENTITY—Any school, organization, agency, or office that receives federal funding and is therefore, obligated to follow Section 504/ADA requirements.

PUBLIC NOTICE—The school is required to provide public notice and internal notice (i.e., to staff, individuals with disabilities, and students) stating it does not discriminate on the basis of a disability.

QUALIFIED STUDENT—Any student who has a physical or mental impairment that substantially limits one or more major life activities and impacts education.

RESPONSIVENESS TO INTERVENTION (RtI)—Usually a three tiered process that begins with classroom interventions and progresses to special education. Section 504 is found in tier two of the process.

SECTION 504—The Vocational Rehabilitation Act of 1973 that guarantees specific rights in federally funded programs and activities to people who qualify as disabled. Section 504 states, “No otherwise qualified disabled individual in the United States... shall, solely by reason of a disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

SECTION 504/ADA COORDINATOR—The school employing 15 or more persons must assign a person to coordinate compliance with Section 504 regulations. It is recommended that all schools appoint a 504/ADA coordinator. It is recommended that the same individual serve as the Americans with Disabilities Act Coordinator and be a general educator.

SECTION 504 CASE MANAGER—This is usually the primary school staff member providing accommodations for a specific student. Case managers could include counselors, school nurses, and general education teachers. The case manager maintains the Section 504 student file.

SELF-EVALUATION—The Americans with Disabilities Act requires that federal fund recipients evaluate their programs, physical accessibility, and employment practices to determine the extent to which programs and activities require modification to ensure full participation by students with disabilities. These evaluations should be revisited annually by the Section 504/ADA Coordinator.

TITLE I (NCLBA)—Provides financial assistance to States and eligible agencies to deliver supplemental services to at-risk students.

TRANSITION PLAN—If a school determines that structural modifications are necessary to meet Section 504/ADA program accessibility requirements, the school must develop a plan specifying the steps necessary to complete such changes and the time frame for completion.

OVERVIEW

Section 504/ADA is a civil rights statute aimed at discrimination against individuals with disabilities. Like other statutes of Title VI (race) and Title IX (gender), Section 504/ADA focuses on discrimination based on disability. All programs or activities of the school are covered by Section 504/ADA obligations.

There is no State or federal funding provided to assist in complying with Section 504. All costs are the obligation of the general school budget. Many schools have established a Section 504 line item in their general fund budget to cover necessary accommodations for individuals with disabilities.

ELIGIBILITY

Section 504 regulations have several areas that are particularly important for schools: Subpart B—employment practices, Subpart C—program accessibility, and Subparts D and E—requirements for preschool, elementary, secondary, and postsecondary education.

SUMMARY OF SUBPARTS

SUBPART A: GENERAL PROVISIONS

This part of the regulations outlines the nondiscriminatory responsibilities of schools that receive federal funds or are a public entity. No person, on the basis of a disability, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program that benefits from federal funding or is a public entity.

SUBPART B: EMPLOYMENT PRACTICES

No qualified person shall, on the basis of his/her disability, be subjected to discrimination in employment by any program or activity that receives federal funds or is a public entity. The school must make reasonable accommodations for employees with known physical and mental impairments unless the accommodation would impose an undue hardship on the operation of the school's program. Examples of reasonable accommodations would include making facilities accessible to and usable by persons with disabilities, job restructuring, part-time or modified work schedules, and acquisition or modification of equipment or devices.

SUBPART C: PROGRAM ACCESSIBILITY

No individual with a disability shall be denied the benefits of, be excluded from participation in, or be otherwise subjected to discrimination under any program or activity because facilities are inaccessible or unusable. Building and program accessibility is applicable to any individual with disabilities accessing any activities or programs in that school building.

The regulation contains two standards to be used in determining whether programs and activities are accessible to individuals with disabilities. One standard deals with “existing” facilities; the other deals with “new” construction. The term “existing facility” means the facility was in existence or in the process of construction before June 3, 1977, the effective date of the regulation. The term “new construction” means groundbreaking that took place on or after the effective date of the regulation.

Leased facilities (mobile units) that are leased or constructed with federal funds are required to meet the standards of new construction. Other leased units are required to meet the standards of existing facilities.

The standard for a facility existing before June 3, 1977, for 504 or January

26, 1992, for ADA requires that federally assisted programs or activities operated in that facility must, when viewed in their entirety, be readily accessible. *This standard does not require that every facility or part be accessible so long as the program or activity as a whole is accessible.* Thus, recipients need not make structural changes to facilities that existed before June 3, 1977 for 504 or before January 26, 1992, for ADA where other alternative methods are effective in making programs and activities accessible so long as priority consideration is given to offering the services in the most integrated setting appropriate.

One example of an alternative method in a school would be the relocation of classes, activities, or services to an accessible site. Facility alteration or new construction is required to achieve program accessibility only if sufficient relocation of classes, activities, or services cannot be housed in an existing facility. In meeting the objective of program accessibility, the school must take precautions not to isolate or concentrate students with disabilities in settings away from students without disabilities.

The regulation requires that all new construction begun after June 3, 1977, for 504 or January 26, 1992, for ADA, as well as alterations to existing facilities, must be designed and constructed so as to make facilities accessible and usable by individuals with disabilities.

SUBPART D: REQUIREMENTS FOR PRESCHOOL, ELEMENTARY, MIDDLE LEVEL, JUNIOR HIGH, SECONDARY EDUCATION, AND ADULT EDUCATION PROGRAM

Wyoming preschool, elementary, middle level/junior high, and secondary programs must take into account the needs of qualified persons with disabilities in determining the aid, benefits, or services to be provided under these programs or activities.

The school must provide a free appropriate public education to students with disabilities in its jurisdiction who are eligible under Section 504/ADA. Instruction must be individually designed to meet the needs of those students as adequately as the needs of students without disabilities. **This standard of what is “appropriate” differs from the IDEA “appropriate” standard, which requires the school to design a program reasonably calculated to confer educational benefit. An appropriate education under Section 504/ADA requires that the services be effective and fair.**

Although Section 504/ADA does not require schools to develop an Individual Education Program with annual goals, it is required that the school provide written documentation for each student eligible under Section 504/ADA. If the Teacher Assistance Team (pre-referral) suspects a need for accommodation, a referral should be made, evaluations conducted, and possible eligibility determined by a team knowledgeable about the student. If the student is eligible, the team might develop a Section 504 Accommodation Plan.

The quality of educational services provided to individuals with disabilities must be equivalent to the services provided to individuals without disabilities. Teachers, administrators, staff, and parents should receive ongoing training in the instruction of individuals with disabilities and be knowledgeable about the disability, appropriate materials, and equipment. The Section 504/ADA Coordinator will be responsible to develop and implement staff and parent training.

RESPONSIBILITY

It must be emphasized that Section 504/ADA falls under the *management of general education*. The figure on the next page illustrates some obligations of general education under Section 504/ADA and their relationship with school personnel roles. The school staff and parents should collaborate to help guarantee that students are provided accommodations through general education. The exception to this standard is a student who has been determined eligible as having a disability under the Individuals with Disabilities Education Act (IDEA). Such a student could receive special education services under IDEA and accommodations required under Section 504/ADA. Many schools will include the Section 504 accommodations on the IEP rather than developing two separate documents.

SECTION 504 ELIGIBILITY

The following is the eligibility criteria for a student to receive accommodations under Section 504.

SECTION 504 ELIGIBILITY CRITERIA

A person may be considered disabled under the definition of Section 504/ADA if the individual meets the following requirements:

1. Has a mental or physical impairment that **substantially** limits one or more of such person's major life activities.

"Major life activities" include functions such as:

Caring for one's self	Performing manual tasks
Walking	Hearing
Seeing	Breathing
Speaking	Working
Learning	Lifting*
Bending*	Sleeping*
Reading*	Concentrating*
Thinking*	Communicating*
Eating*	Immune system#
Digestion#	Bowel#
Bladder#	Respiratory#
Cell Growth#	Neurological#
Brain#	Circulatory#
Endocrine#	Reproductive functions#

The disability must impact the student's education.

*** = General**

= Major bodily functions

2. Has a record of such an impairment.
3. Is regarded as having such an impairment.

The second and third prongs of the definition only become a factor if discrimination has occurred because of the "record" or "history" or is regarded as having an impairment.

If the school has reason to suspect that because of a disability, a student needs special accommodations in the general educational environment in order to have equally effective participation in the school program, the school must notify the parent of an individual evaluation, evaluate the student, and develop and implement a plan for the delivery of all necessary educational accommodations.

Requirements for the evaluation and placement process are determined by the type of disability suspected and the type of services needed by the student. The evaluation must be sufficient to assess the nature and extent of the educational impact of the disability so that appropriate educational services can be determined. The team knowledgeable about the student makes the decision based on evaluation data. Identification of services needed must be made by a group of persons knowledgeable about the student.

Decisions about Section 504/ADA eligibility must be documented in the student's Section 504/ADA file and reviewed at least yearly and whenever any member of the team feels it is necessary. A case manager should be assigned to complete and manage each Section 504/ADA student file. A student's program must be provided in the least restrictive environment, most likely the general education classroom.

Under Section 504/ADA, parents or guardians must be provided with notice of any action that changes the identification, evaluation program, or placement of their student. Written consent would be considered a **best practice**. The parents should be included in the evaluation, eligibility, and placement process. Parents or guardians have the right to file a grievance, request mediation, ask for a due process hearing, or call the Office for Civil Rights if they disagree with the school.

— *Best Practice* —
*Parent participation should always be encouraged
throughout the Section 504/ADA process.*

EQUAL EDUCATIONAL OPPORTUNITIES

This regulation is limited to Section 504 of the Rehabilitation Act of 1973 as amended. In addition, parents and students are protected by Title II of the Americans with Disabilities Act of 1990 against discrimination by the District, a public entity.

Under Section 504, “handicapped persons” means any person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such impairment, or (3) is regarded as having such an impairment. “Major life activities” means functions such as caring for one’s self, performing manual tasks, talking, seeing, hearing, speaking, breathing, learning, or working.

As the school district attempts to remain in compliance with all applicable laws, specifically Section 504 of the Rehabilitation Act, Big Horn County School District No. 2 will review students who fit in the following categories and who do not qualify under special education for possible modifications so they may equally benefit from education.

Students with a high profile medical background: These students have current medical concerns that may interfere with their daily performance in school. Examples: severe asthmatics, diabetics, severe allergic students.

Students with a high profile of behavioral problems: These are students who have been referred for discipline issues and who have substantial evidence of non-compliant behavior. This behavior has required action by the school in some form or another which exceeds usual disciplinary action. Interventions attempted within the school have not been effective.

Students with a known high profile of chemical problems: These are students who have been, are known to be, or suspected of being chemically dependent students. This behavior interferes with their education process.

Students returning to school after intensive medical treatment in a hospital or treatment center. These students will most likely have a DSM diagnosis and due to their hospitalization or long-term treatment would require the District to be aware of them and consider modifications in educational programming.

Temporarily disabled students: These students may require alternative educational programming due to short-term situations that would qualify them for services. For example, the student may be unable to get around school or may have lost a function that is necessary to participate in class (loss of voice, eyesight, hearing, etc.). Due to the short duration, the student may not qualify for services under IDEA. Students who are not disabled may be provided a health care plan.

Students who are being considered for retention.

Students who show a pattern of not benefitting from classroom instruction.

Students who have been identified as having attention deficit disorder.

Students who are identified as “at risk” or exhibit the potential for dropping out of school.

Students with a learning disability or other disability who do not qualify for special education services but who may need accommodations to reasonably and appropriately access and benefit from the educational programs and activities of Big Horn County School District No. 2.

This list of students is not exhaustive. Each student and/or situation will be reviewed on an individual basis.

Compliance Issues

(1) The District Civil Rights Compliance Officer will act as coordinator.

(2) The following are responsibilities regarding student issues:

- Publish an annual notice and conduct child-find activities
- Place an annual notice in student handbooks
- Follow procedures for giving notice to parents upon referral, evaluation, and placement
- Keep required documentation and follow district procedures regarding referrals, evaluations, placement and parent access to records
- Coordinate both referrals and programs
- Provide least restrictive environmental programs and placements.

(3) Referrals

- Referrals may be made by parent/guardian or school official
- A referral **should be** considered if the student is referred to special education and found ineligible. However, such students will qualify only if they are handicapped under the definitions of this regulation.
- Evaluation must include aspects that would support the clause of “substantially limits one or more major life activity”.

(4) Evaluation

- Determine what information is needed and who will be responsible
- Parents must be notified of how to initiate a referral/evaluation
- Parents must be provided notice of due process rights and of identification, evaluation, and placement when a referral is made
- Determine makeup of multidisciplinary committee to evaluate and place the student if eligible. The parents should be invited to participate as members of the committee.

(5) Placement

- Assure that evaluation of the data and placement are done by persons knowledgeable about the student, the data, and placement options.
- Assure that decision about placement are based upon the child’s individual needs and the least restrictive environment considerations.

(6) Section 504 Due Process Procedures

- The hearing procedures for complaints involving identification, evaluation and/or placement of students under Section 504 of the Rehabilitation Act of 1973 as amended, are set forth in school policy/ regulation entitled Section 504 Due Process Procedures.

SECTION 504/ADA EXAMPLES OF DISCRIMINATION

The following are some examples of how schools could discriminate against individuals with disabilities:

1. A student with a disability is denied recognition as an honor roll student because one class is in the resource room.
2. A student is expelled from school for misbehavior that is related to his/her disability.
3. The school refuses to provide bus transportation that is as short in duration (within reason) as provided to student without disabilities.
4. The school refuses to allow a student with a disability the opportunity to audition for athletic teams or other extracurricular activities.
5. The school refuses to dispense medication to a student who needs it to benefit from education.
6. The high school counselor fails to provide information about the special provisions of college board examinations to students with disabilities.
7. The school refuses to provide a modified adaptive physical education program for a student who is obese and cannot participate in regular physical education.
8. The school does not provide an interpreter for a parent to attend a school meeting regarding his/her student.
9. The school does not provide an interpreter for a parent who is deaf to attend a school meeting regarding his/her student.
10. Students with disabilities are denied access to extracurricular activities.

FORMS

Annual Notice and Forms for Section 504/ADA Meetings

ANNUAL NOTICE TO INDIVIDUALS WITH DISABILITIES AND PARENTS

Each school must provide and/or post a form to individuals with disabilities regarding the school's obligations under Section 504/ADA.

NOTICE

**PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER
SECTION 504 OF
THE REHABILITATION ACT OF 1973 AND THE AMERICANS
WITH
DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibits discrimination against persons with a disability in any program receiving federal financial assistance. Section 504/ADA defines a person with a disability as anyone who

Has a mental or physical impairment that substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. General functions include: lifting, bending, sleeping, reading, concentrating, thinking, communicating, and eating. Major bodily functions include: the immune system, digestion, bowel, bladder, respiratory, cell growth, neurological, brain, circulatory, endocrine, and reproductive functions.

The school has the responsibility to provide adjustments, modifications, and necessary services to eligible individuals with disabilities.

The school acknowledges its responsibility under Section 504/ADA to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability shall knowingly be permitted in any program or practice in the school.

INFORMATION FOR PARENTS REGARDING SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 is an Act that prohibits discrimination against persons with a disability in any program that receives federal financial assistance. The Act defines a person with a disability as anyone who:

Has a mental or physical impairment that substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. General functions include: lifting, bending, sleeping, reading, concentrating, thinking, communicating, and eating. Major bodily functions include: the immune system, digestion, bowel, bladder, respiratory, cell growth, neurological, brain, circulatory, endocrine, and reproductive functions.

In order to fulfill its obligations under Section 504/ADA, the school recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination or harassment against any person with a disability will knowingly be permitted in any of the programs and practices in the school system.

The school has specific responsibilities under the Act, which include the responsibility to identify, evaluate and, if the student is determined to be eligible under Section 504/ADA, to afford access to appropriate educational services.

If the parent or guardian disagrees with the determination made by the professional staff of the school, he/she has a right to a hearing with an impartial hearing officer. The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This Act gives the parent or guardian the right to do the following:

- Inspect and review his/her student's educational records.
- Make copies of these records.
- Receive a list of all individuals having access to those records.
- Ask for an explanation of any item in the records.
- Ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the student's rights.
- Request a hearing on the issue if the school refuses to make the amendment.

If there are questions, please feel free to contact:

Name: Tawnya Teter
Section 504/ADA Coordinator
(307) 548-2256.

SECTION 504 EVALUATION PROCEDURES

If the school suspects a student has a disability, then parental notice is given and an individual evaluation is conducted. The following are some considerations for meeting 504 evaluation requirements:

1. The evaluation team must be knowledgeable about the student and the disability and be familiar with the evaluation data and placement options.
2. Each evaluation should be tailored to the specific needs of the student.
3. The parents need to be notified before the evaluation is conducted. Consent is not required, but it is considered **best practice**.
4. Tests and other evaluation materials should be validated for the specific purpose for which they are used and administered by trained personnel in conformance with the instructions provided by their producer.
5. Tests and other evaluation materials include those tailored to assess specific areas of educational need.
6. Tests are selected to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the results accurately reflect whatever the test is designed to measure.
7. In interpreting evaluation data and in making placement or accommodation decisions, a school should draw on information from a variety of sources, including aptitude and achievement tests, interest inventories, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.
8. A reevaluation should be conducted before making any significant change in placement. A reevaluation procedure consistent with the Individuals with Disabilities Education Act is one means of meeting this requirement.

The school may refuse to conduct an evaluation, but it has the obligation to inform the parents of the reasons for the refusal and their right to file a grievance, contact the Office for Civil Rights or request a due process hearing.

**SECTION 504
PARENT/STUDENT RIGHTS IN IDENTIFICATION,
EVALUATION AND PLACEMENT**

Please keep this explanation for future reference.

**Section 504 of the Rehabilitation Act of 1973
Title II of the Americans with Disabilities Act of 1990**

The following is a description of the rights granted by federal law to students with handicaps as defined by Section 504 of the Rehabilitation Act of 1973 as amended. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any decisions.

District staff will be trained regarding the rights granted by federal law to students with handicaps and will be required to evaluate and place students to protect those students' rights, including the rights as defined by Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, specifically including, but not limited to, those set forth below.

You have the following rights:

1. To have your child take part in, and receive benefits from public education programs without discrimination because of a handicapping condition.
2. To be free from harassment based upon handicap or disability.
3. To have the school district advise you of your rights under federal law.
4. To receive notice with respect to identification, evaluation, or placement of your child.
5. To have your child receive a free appropriate public education. This includes the right to be educated with non-handicapped students to the maximum extent appropriate. It also includes the right to have the school district make accommodations to allow your child an equal opportunity to participate in school and school-related activities.
6. To have your child educated in facilities and receive services comparable to those provided non-handicapped student.
7. To have your child receive special education and related services if found to be eligible under IDEA or to receive accommodations if eligible under Section 504 of the Rehabilitation Act. If it is determined that you are not eligible for services under IDEA, you may still be eligible for services under Section 504 of the Rehabilitation Act and you are entitled to request an evaluation and consideration for services/

accommodations under Section 504 of the Rehabilitation Act. You have the right to request an evaluation under Section 504 regardless of whether an IDEA evaluation has been requested or initiated.

8. To have an evaluation, educational and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options.
9. To have transportation provided to and from an alternative placement setting at not greater cost to you than would be incurred if the student were placed on a program operated by the district.
10. To have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district.
11. To examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
12. To obtain copies of education records at a reasonable cost unless the fee would effectively deny you access to the records.
13. To receive a response from the district to reasonable requests for explanations and interpretations of your child's records.
14. To request amendment of your child's educational records if there is a reasonable cause to believe they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing.
15. To request mediation or an impartial due process hearing with opportunity for participation by the student, student's parent or guardian, and representation by counsel regarding your child's identification, evaluation, educational program or placement. For Section 504 due process procedures. See the procedures entitled Section 504 Due Process Procedures.
16. To file a complaint with the Office of Civil Rights. You may request a copy of that complaint process from the District.

The person in this district who is responsible for assuring that the district complies with Section 504 of the Rehabilitation Act of 1973 is:

Section 504 Coordinator
Tawnya Teter
Big Horn County School District No. 2
502 Hampshire Avenue
Lovell, WY 82431
(307) 548-2256

CONSENT

The school is requesting your consent to conduct the following evaluation procedure:

Evaluation Procedures:

Person Responsible:

I give written consent to have my student evaluated for possible Section 504 eligibility and received a copy of my parental rights.

Parent Signature

Date

SECTION 504 REFERRAL

Student: _____ Date: _____
School: _____ Date of Birth: _____
Teacher: _____ Grade: _____
Parent: _____ Phone: _____
Address: _____
Referred by: _____
Position: _____

1. Reason for referral: _____

2. Accommodations and interventions attempted:

3. Has the student ever been referred, evaluated, and/or received services from special education?
____ YES _____ NO If yes, explain: _____

4. Referral action:

Signature of Building Section 504 Representative

Date

**Initial NOTICE TO PARENTS
SECTION 504 MEETING**

Student: _____ Date: _____

School: _____

Dear Parent or Guardian:

This letter is to inform you that we have some concerns about your student’s progress at school. We have attempted some interventions with your student. They include those listed below:

We would like to arrange a meeting to discuss eligibility for further accommodations/services in order to ensure that your student is afforded an appropriate education. Discussion will include whether or not your child may qualify for accommodations and services under Section 504 of the Rehabilitation Act. An initial meeting to discuss these issues and to determine whether or not a more formal evaluation of your child and the procedures therefore should be conducted to determine his/her eligibility under Section 504 for further accommodations has been scheduled for:_____.

We have scheduled a meeting on_____ . This meeting will be held at_____ to discuss your student’s educational needs. We would very much appreciate your participation.

If you have any questions, or if this meeting time is not convenient for you, please call me at_____. We will discuss your questions or arrange a mutually convenient meeting time.

Sincerely,

Name

Position

Copies to 504 Team Members and Case Manager File

SECTION 504 STUDENT ACCOMMODATION PLAN

Student _____ Date _____

School _____ DOB _____

Review Date _____ Case Manager _____

Part 1: Justification for services

1. The student has a physical or mental impairment that substantially limits one or more of his/her major life activities.

YES NO

- | | |
|--|--|
| <input type="checkbox"/> caring for one's self | <input type="checkbox"/> hearing |
| <input type="checkbox"/> performing manual tasks | <input type="checkbox"/> speaking |
| <input type="checkbox"/> walking | <input type="checkbox"/> working |
| <input type="checkbox"/> seeing | <input type="checkbox"/> learning |
| <input type="checkbox"/> breathing | <input type="checkbox"/> lifting |
| <input type="checkbox"/> bending | <input type="checkbox"/> sleeping |
| <input type="checkbox"/> reading | <input type="checkbox"/> concentrating |
| <input type="checkbox"/> thinking | <input type="checkbox"/> communicating |
| <input type="checkbox"/> eating | <input type="checkbox"/> immune system |
| <input type="checkbox"/> digestion | <input type="checkbox"/> bowel |
| <input type="checkbox"/> bladder | <input type="checkbox"/> respiratory |
| <input type="checkbox"/> cell growth | <input type="checkbox"/> neurological |
| <input type="checkbox"/> brain | <input type="checkbox"/> circulatory |
| <input type="checkbox"/> endocrine | <input type="checkbox"/> endocrine |
| <input type="checkbox"/> reproductive functions | |

2. The impairment impacts the student's educational program. YES NO

3. Is the student eligible for Section 504 accommodations? YES NO

4. Briefly document the basis for determining the disability.

5. Accommodations and Services (Steps to be taken by both staff and student)

6. DURATION OF ACCOMMODATION(S) From _____ To _____

7. Review/Reassessment Date: _____

504 Plan Participants
(Name and Title)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I agree to the above plan and give permission for my child to receive the above mentioned services. I received a copy of my parental rights. I understand that if I disagree with the content of this plan, I have the right to ask for a Section 504 review meeting or impartial hearing by filing a written request with the District Section 504 Coordinator.

Parent

Date

Original to Office of Special Services
Copies to: Parent/Guardian/Adult Student
Case Manager File

SECTION 504 REVIEW OF SERVICES

Student _____ Date _____

Case Manager _____

Purpose of meeting: It is necessary to periodically review the student's progress under Section 504 services and make recommendations to continue, modify, or terminate the program(s). (The 504 plan should be reviewed once each year.)

Discussion of progress _____

Recommendation

- Continue present services with no changes.
- Modify the present program (see attached).
- Conduct additional evaluations.
- Exit from program based on the following evaluation results.

Discussion of recommendations _____

The following members of the Section 504 Committee agree with the recommendations:

Signatures

Parent

Counselor

Classroom Teacher

Nurse

School Principal

Other

Exit Date: _____

Section 504/ADA Checklist

Name: _____

Date: _____

Initial Referral

- Information for Parents Regarding Section 504 (Form A)
- Section 504 Referral (Form B)
- Notice to Parents (Form C)
- Section 504 Parent Rights (Form D) w/Consent Signed
- Section 504 Evaluation Procedures (Form E)

Eligibility and Initial Services

- Notice to Parents (Form C)
- Section 504 Student Accommodation Plan (Form F)
- Section 504 Parent Rights (Form D) – Consent not needed
- School Individualized Health Care Plan (Form G) - *Optional*
- Emergency Health Care Plan (Form H) – *Optional*

Annual Review

- Notice to Parents (Form C)
- Section 504 Review of Services (Form I)
- Section 504 Parent Rights (Form D) – Consent not needed
- Section 504 Student Accommodation Plan (Form F) – *If revised*

*****Please send original copies of the 504 plan with the checklist to Tawnya Teter – District 504 Coordinator at Lovell High School within one (1) week of the meeting.***

SCHOOL INDIVIDUALIZED HEALTH CARE PLAN

Student _____ Effective Date _____
 Parent _____ School _____
 Physician _____ Nurse _____

_____Special Education _____Section 504 _____General Education

1. Brief Description of Condition:

2. Concerns:

3. Goal:

4. Intervention and Procedures:

5. Necessary Staff Training:

I have read and approve of the above health care plan for:

_____ Date: _____

 Parent
 services in the school

 Child's Physician

 Nurse who provides

EMERGENCY CARE PLAN

Date: _____

Student: _____

School: _____ Birth date: _____ Grade: _____

Preferred Hospital in Case of Emergency _____ Phone: _____

Parent/Guardian: _____ Phone:(h) _____

Phone:(w) _____

Physician: _____ Phone: _____

Medical Condition: _____

Treatment Program:

Signs of Emergency: _____

Actions to take during emergency:

If an emergency occurs and is life-threatening, immediately call 911 and/or a designated emergency number.

- a. State who you are
- b. State where you are.
- c. State problem
- d. Stay with student or designate another adult to do so.
- e. Call or designate someone to call the hospital.

The following staff members are trained to deal with an emergency and to initiate the appropriate procedures:

I approve the above Emergency Care Plan and request school personnel to follow the above plan in the event of an emergency involving my child. I will notify the school immediately if my child's health status changes or if there is a change or cancellation of this Emergency Care Plan.

In consideration of this authorization made at our request, the undersigned agrees to indemnify, defend, and save harmless the School Board, the individual members thereof and any officials or employees involved in the rendering of care in accord with the above Emergency Care Plan from any claims or liability for injury or damages, including but not limited to costs and reasonable attorney's fees, caused or claimed to be caused or to result from the administration of care in accord with the above Emergency Care Plan.

Parent/Guardian: _____ Date: _____

Address: _____

OFFICE FOR CIVIL RIGHTS COMPLAINT PROCESS

An individual or an organization may file a complaint with the regional Office for Civil Rights (OCR). An OCR complaint must be filed, in writing, within 180 days after the violation has occurred. In certain cases, OCR will consider complaints where more than 180 days have elapsed.

Anyone wishing to file a formal complaint with OCR should submit in writing the following information in a letter or on the Discrimination Complaint Form available from OCR regional offices and send to: U.S. Department of Education, Office of Civil Rights, Region VIII, 1244 Speer Boulevard, Suite 310, Denver, Colorado 80204-3582,

1. Name and address (a telephone number where they may be reached during business hours is helpful but not required)
2. A general description of the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required)
3. The name and location of the institute that committed the alleged discriminatory act(s)
4. A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, sex, color, national origin, age or disability)

A school may not retaliate against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation.

Code: AD

EDUCATIONAL PHILOSOPHY/SCHOOL DISTRICT MISSION

Reference Leadership Governance Policies for Educational Mission , Vision, and Expectations

Adoption Date: December 11, 2006

Code: ADA

GOALS, OBJECTIVES AND BELIEFS

Reference Leadership Governance Policy 1.1 Commitment

Adoption Date: December 11, 2006

DRUG-FREE SCHOOLS

The school district is committed to providing a drug- and alcohol-free learning environment and work place. Drug abuse and alcohol abuse at school or in connection with school-sponsored activities on or off school grounds threaten the health and safety of our students and our employees and adversely affect the educational mission of the school corporation. The use of illicit drugs and the unlawful possession and use of alcohol are wrong and harmful.

For these reasons, the unlawful manufacture, distribution, dispensation, possession or use of illicit drugs, alcohol or other controlled substances in the work place, on school premises or as part of any school-sponsored activities is strictly prohibited. These standards of conduct are equally applicable to students and employees. Any employee who is convicted of a drug statute violation arising out of conduct occurring in the work place must notify the central administration of such conviction not later than five (5) days after the conviction. Compliance with these standards of conduct is mandatory.

Disciplinary sanctions (consistent with local, state and federal law), up to and including expulsion and referral for prosecution, will be imposed on employees who violate the standards of conduct set forth in this notice. Such sanctions include, but are not limited to, reprimand, short- or long-term suspension with or without pay, termination of employment, and referral for prosecution. Satisfactory completion of an appropriate rehabilitation program may be made a condition for withholding or terminating other sanctions.

TOBACCO & VAPING FREE SCHOOLS

It will be the policy of the school district that all uses of 'tobacco', which for the purpose of this policy, shall be defined to include the use and/or possession of a lighted or unlighted cigarette, cigar or pipe; other lighted smoking product; smokeless tobacco in any form; an electronic cigarette; nicotine product; nicotine delivery product; and/or any vaping delivery system, will be prohibited in all of the district's facilities. At no time will the use of tobacco, tobacco products, or vaping products be permitted in classrooms, corridors, restrooms, locker rooms, work areas, cafeterias, offices, faculty lounges, gymnasiums and all other rooms. It will further be the policy of the school district that the use of tobacco or tobacco products, including smokeless tobacco, and electronic cigarettes, will be prohibited in all vehicles owned, leased or operated by the district.

District employees and students enrolled in the district's schools will not be permitted to use tobacco, tobacco products, or vaping products, including smokeless tobacco, and electronic cigarettes while they are participants in any class or activity in which they represent the school district. It is the intention of the Board of Trustees that this policy will become effective immediately. It will apply to all employees of the school district, to all students enrolled in the school district, to all visitors to employees of agencies which work with students and/or employees of the school district, to spectators at various contests and activities and to all other persons who are authorized to be in the district's facilities. Signs will be posted throughout the district's facilities to notify students, employees and all other persons visiting the school that the use of tobacco, tobacco products, and/or vaping products is forbidden.

Code: AE

COMMITMENT TO ACCOMPLISH

Reference Leadership Governance Policies 1.1 Commitment and Policies 2.1 through 2.10

Adoption Date: December 11, 2006

Code: AEA

STUDENT EXIT PERFORMANCE STANDARDS

Reference Leadership Governance Mission, Vision, Expectations

Adoption Date: December 11, 2006