

## IV. General Administration

### 4.1 Security/Access to Schools

- 4.1.1 Security Measures Authorized - The Superintendent, principals, and facility administrators are authorized to take reasonable and lawful measures to protect against personal injury, trespass, vandalism, theft, and like threats to personal safety, property damage, and financial loss to or on Board property or at school functions and activities. The Superintendent should be made aware of any extraordinary or special measures that may be proposed in anticipation of or in response to any unusual security threat or risk (e.g., unusual surveillance, assignment of additional security personnel).
- 4.1.2 Access Restrictions Authorized - The Superintendent, principals, and facility administrators are authorized to regulate and restrict access to Board schools, buildings, facilities, and school buses in order to maintain appropriate security, minimize disruption and distraction within the learning environment, or to avoid a potential risk of harm to a student or employee. To that end, the Superintendent, principals, and facility administrators are authorized to implement building-level requirements and procedures governing access to Board owned or controlled buildings, grounds, property, events, and activities by school and non-school personnel, including family members and relatives, vendors, attorneys, and other visitors, and to adopt “check-in” and “check-out” requirements and procedures for students and employees.
- 4.1.3 Duty of Sex Offender to Notice School of Presence - This policy is implemented pursuant to the provision of Alabama Code §15-20A-17. In accordance with that section, any adult sex offender, after having been convicted of a sex offense involving a minor, shall: (1) notify the principal of the principal’s designee prior to entering onto school property or prior to attending any K-12 school activity; and (2) immediately report to the school office, school principal or school principal’s designee upon entering school property or arriving at any K-12 school activity.

Notice in this policy shall be construed as an imposing an affirmative duty on the school principal; the principal’s designee; any member of the school board, staff, faculty; or any other agent, representative, or other associated party of the school board to investigate or determine the sex offender status of an individual prior to, or upon, that individual’s entering on school property or arriving at a K-12 school activity.

[Reference: 20 U.S.C. 7151]

### 4.2 Safe Schools Policy (Drugs, Alcohol, Tobacco, and Weapons)

- 4.2.1 Prohibition of the Possession of Firearms - The possession of a firearm in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited except for authorized law enforcement personnel

and as provided by law. For purposes of this policy, the term “firearm” has the same definition as is found in 18 U.S.C. §921; provided, that the term “firearm” will exclude, to the extent permitted by law, the approval and authorized use of firearms for the purpose of and in connection with school or Board-sanctioned educational, team, or competitive activities.

- a. *Penalties for violations* - In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of firearms:
  1. *Students* - Students will be expelled for a period of one year. The expulsion requirement may be modified in writing by the Board upon recommendation of the Superintendent on a case-by-case basis. Students who are expelled for firearm possession may not attend regular school classes, but may be permitted to attend alternative school or education programs established by the Board. Discipline of students with disabilities who violate the firearm possession policy will be determined on a case-by-case basis in accordance with federal and state law. Parents of students who violate this policy will also be notified by the principal of violations.
  2. *Employees* - Employees will be subject to adverse personnel action, which may include termination.
  3. *Other Persons* - Other persons may be denied re-entry to school property.
- b. *Notification of Law Enforcement* - The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

[Reference: Ala. Code §16-1-24.1, 24.3 (1975); Ala. Admin. Code 290-3-1-.02; Federal Gun Free Schools Act, 20 U.S.C. 7151; Federal Gun Free School Zone Act of 1995 (18 U.S.C. §922(q))]

- 4.2.2 Prohibition of the Possession of Weapons - The possession of a deadly weapon or dangerous instrument in a school building, on school grounds, on school property, on school buses, or at school-sponsored functions is prohibited except for authorized law enforcement personnel. For purposes of this policy, the terms “deadly weapon” and “dangerous instruments” include but are not limited to explosives, incendiary devices, projectiles, knives, archery equipment, devices designed to expel projectiles at a high rate of speed, any device so classified under state or federal law, and any device either used or intended to be used in a such manner as to inflict bodily harm, provided that the terms “deadly weapon” and “dangerous instruments” will exclude, to the extent permitted by law, devices and equipment that are used for the purpose of and in connection with school or Board sanctioned educational, team, or competitive activities.

- a. *Penalties for Violations* - In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of deadly weapons or dangerous instruments:
  - 1. *Students* - Students will be disciplined in accordance with the Board's Code of Student Conduct or Student Handbook.
  - 2. *Employees* - Employees will be subject to adverse personnel action, which may include termination.
  - 3. *Other Persons* - Other persons may be denied re-entry to school property.
- b. *Notification of Law Enforcement* - The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

[Reference: Ala. Code §16-1-24.1 (1975); Ala. Admin Code 290-3-1-.02(1)(b)]

- c. *Metal Detector Search Policy* – To provide and maintain a safe and secure environment for students, staff, and authorized visitors, schools may employ the use of metal detectors. Stationary and/or mobile metal detectors may be used. School board employees shall conduct all metal detector searches. Any information obtained using metal detectors shall be used only for school disciplinary or law enforcement purposes.

4.2.3 Illegal Drugs and Alcohol - The use, possession, distribution, and sale of alcohol and the illegal use, possession, distribution, and sale of drugs in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited.

- a. *Penalties for Violations* - In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of illegal drugs or alcohol:
  - 1. *Students* - Students will be disciplined in accordance with the Board's Code of Student Conduct or Student Handbook.
  - 2. *Employees* - Employees will be subject to adverse personnel action, which may include termination.
  - 3. *Other Persons* - Other persons may be denied re-entry to school property.
- b. *Notification of Law Enforcement* - The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

4.2.4 Tobacco - The use of tobacco products and the illegal possession, distribution, and sale of tobacco products in a school building, on school grounds, on school buses, or any Board property, or at school-sponsored functions is prohibited. This prohibition applies to, but is not limited to all athletic events, proms, field trips, class trips and academic competitions sanctioned or approved by a school administrator, superintendent, and the Board.

a. *Penalties for Violations*

1. *Students* - Students who violate the tobacco prohibitions will be disciplined in accordance with the Board's Code of Student Conduct or Student Handbook.
2. *Employees* - Employees who violate the tobacco prohibition will be subject to adverse personnel action, which may include termination.
3. *Other Persons* - Other persons who violate the tobacco prohibition may be denied re-entry to school property.

b. *Parental Notification* - Parents and guardians may be notified of actual or suspect violations of the tobacco prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of Student Conduct.

[Reference: Ala. Code §16-1-24.1 (1975); Ala. Admin. Code 290-3-1-.02(1)(b)]

4.2.5 Searches - Law enforcement agencies are permitted to make periodic visits to all schools and other Board property to detect the presence of illegal drugs, weapons, or other contraband, and may use any lawful means at their disposal to detect the presence of such substances. The visits will be unannounced to anyone except the Superintendent and principal.

[Reference: Ala. Code §16-1-24.1 (1975); Ala. Admin. Code 290-3-1-.02(1)(b)]

4.2.6 Drug and Alcohol Free Environment - All students, employees, volunteers, parents, visitors, and other persons are prohibited from possessing, using, consuming, manufacturing, or distributing illegal controlled substances and alcohol while on Board property or while attending any Board sponsored or sanctioned event, program, activity, or function. Persons who are intoxicated, under the influence, or impaired by the use, consumption, or ingestion of any illegal controlled substance or alcohol are not permitted to be on school property, or to attend or participate in any Board sponsored or sanctioned event, program, activity, or function.

[Reference: Ala. Code §16-1-24.1, 25-5-330 (1975)]

4.2.7 Adoption of Statutory Penalties and Consequences - Persons who violate the Board's prohibition of firearms, weapons, illegal drugs, or alcohol will be subject to all notification, referral, suspension, placement, re-admission, and other provisions set forth in Alabama law.

[Reference: Ala. Code §16-1-24.1 and 24.3 (1975)]

### **4.3 Accreditation**

The Board will implement and adhere to such accreditation policies, principles, standards, and procedures as may be established or required by the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (“SACS CASI”) accreditation division of AdvanceED as a condition to receiving or maintaining accreditation.

### **4.4 Use of Board Property**

4.4.1 Equipment, Supplies, Materials, Vehicles - Equipment, supplies, materials, vehicles, and other movable or consumable property owned by or under lease to the Board may not be used by or made available to persons or entities for private or personal use, benefit, or consumption, or for any non-Board related use or purpose. Such property may not be removed from Board premises except as necessary to serve a school or Board-related function or purpose, and with the knowledge and approval of the Superintendent or his designee.

4.4.2 Use of Board Facilities - The facilities of Sheffield City Board of Education may be used for local public events which are moral, not prohibited by law, and are, in the discretion of the Superintendent. Schools and other Board owned or controlled facilities may be made available for use by sanctioned or generally recognized school support organizations if the use of the facility will not disrupt school operations or be inconsistent with the purpose and mission of the school system, and if adequate advance provision is made for security, supervision, maintenance, damage prevention, post-event clean up, liability insurance, and other risk management measures appropriate to the proposed use. Use of Board facilities for non-school organizations may be approved if the foregoing conditions are satisfied and a rental contract (or the equivalent thereof) that includes a reasonable fee or rental charge and other appropriate terms and conditions is approved by the Superintendent. Board facilities may not be used for partisan political purposes.

4.4.3 Advertising - Board property will not be used for commercial advertising except upon such terms and conditions as may be expressly approved by the Superintendent.

### **4.5 Selection of School, Facility, and/or Property Name**

4.5.1 Naming a School, Facility, and/or Property - When a school, facility, and/or property is to be named, the Board will consider all names which have been suggested.

4.5.2 Renaming an Existing School, Facility, or Property - A recommendation to rename an existing school, facility, or property will be considered only after the city-at-large has been given a full opportunity for input by public notice. The Board shall

contact the PTO and/or other organized school support groups of the affected school. A minimum of sixty (60) days from the date of public notice shall be given before action is taken by the Board.

- 4.5.3 Naming or Renaming of Parts of a School, Facility, or Property - If parts (i.e. gymnasium, library, auditorium, etc.) of a school, facility, or property are to be named or renamed for an individual group, the name should be that of an outstanding civil or educational leader or a group of either local, state, or national prominence, who is either retired or deceased. The Board shall consult with the PTO or other organizational school support groups of the affected school. The Board will only consider renaming of parts of a school, facility, or property under unusual or extra-ordinary circumstances. The individual or group shall have proved themselves as dedicated and concerned employees or former employees in The Sheffield City School system or other accomplished, dedicated, or concerned persons in the Sheffield City School system, city, state or nation.

#### **4.6 Parental/Citizen Concerns**

It is the policy of the Sheffield City Board of Education to address all concerns brought forth by parents and citizens regarding matters governed by Sheffield City Board of Education policies and procedures and/or the Sheffield City Board of Education. This policy supports the goal of the Board of Education to encourage the best possible relations among students, parents, citizens, teachers, and administrators and to ensure a happy, healthy, and safe learning environment for all students.

The Board has confidence in its professional staff and parents and desires to be supportive. Therefore, whenever a concern is made directly to the Board as a whole or to a Board Member as an individual, it will be referred to the appropriate administrative staff for review and resolution. The Board expects that all concerns will be reviewed/resolved in a timely manner at the appropriate level.

#### **4.7 Parental Involvement**

It is the policy of the Sheffield City Board of Education to encourage and support effective parent involvement programs that promote family literacy and parenting skills, embrace partnership and communication between schools and parents, and facilitate parent involvement activities which improve student achievement and school performance.

The Board of Education supports the development, implementation, and regular evaluation of a program in each school, which will involve parents and the community at all grade levels in a variety of roles. They will include, but not be limited to, the following components of successful parent and community activities as presented in the PTA National Standards for Parent/Family Involvement Programs:

- a. Family and school communications is two-way, regular, meaningful and respectful of diversity;

- b. Promotion and support of responsible parenting enable families to participate actively in their children's development from birth through their school years;
- c. Recognition that parents play an integral role in assisting students' learning.
- d. Parents and the community are welcome in the school, and their active support and assistance are sought;
- e. Inclusion of parents and community as partners in the decisions that affect children and families; and
- f. Community resources are used to connect students and families with resources that strengthen school programs and to provide educational enrichment and support in daily life.

#### **4.8 Title IX and Section 504 Grievance Procedures**

It is the intention of the Sheffield City Board of Education to fully comply with Title IX of the 1972 Education Amendments and the Rehabilitation Act of 1973, Section 504, and the regulations pursuant thereto.

- 4.8.1 Criteria - Any student, parent, employee or other person claiming a violation of Title IX of the 1972 Education Amendments or the Rehabilitation Act of 1973, Section 504, and the regulations promulgated pursuant thereto, with regard to any educational program or activity of the Board shall within a reasonable time following the alleged violation (whether from a specific, cumulative, or continuing condition) make written complaint to the principal of the school or the coordinator of the center in which such violation is alleged to have occurred.
- 4.8.2 Complaint Process - Upon receipt of such written complaint, the principal shall make appropriate investigation with regard thereto, and shall within fifteen (15) days after receiving the complaint, notify the complainant of (1) the decision reached in the matter and (2) the right to appeal to the Superintendent within thirty (30) days of such notification. A copy of the complaint with notation of its resolution shall be forwarded to the Title IX compliance officer (Federal Programs Coordinator) if related to alleged discrimination on basis of sex or to the assurance officer for the Rehabilitation Act of 1973, Section 504, if related to alleged discrimination on basis of handicap. Further inquiry as deemed necessary will be made by the compliance officer or by the assurance officer.
- 4.8.3 Appeal Procedure - If the decision of the principal is unsatisfactory to the complainant, then an appeal can be taken to the Superintendent, provided written request therefore is received by the Superintendent within thirty (30) days after the appealing party has been informed of the decision of the principal. If the appeal is received by the Superintendent within the time limitation, a hearing shall be held

before the Superintendent, or a designated representative, within thirty (30) days after receiving the appeal. Within fifteen (15) days following the hearing, the complainant shall be notified of (1) the decision reached in the appeal and (2) the right of further appeal to the Board of Education within thirty (30) days of such notification.

If the decision of the Superintendent, or the designated representative, is unsatisfactory to the appealing party, then a further appeal will be allowed to the Board of Education upon written request therefore within thirty (30) days after notification of the decision of the Superintendent, or the designated representative. If the appeal is received within the time limitation, the Board will either ratify, modify, or reverse the decision of the Superintendent or the designated representative, without any further hearing in the matter. The complainant shall be notified within thirty (30) days following receipt of the complainant's appeal to the Board of the decision of the Board, which decision shall be final.

- 4.8.4 Alternate Procedure - If the alleged violation does not occur in one of the several schools operated by the Board, but occurs in some other facility so maintained, then the initial complaint shall be filed with the Title IX compliance officer (Federal Programs Coordinator) if related to alleged discrimination on the basis of sex or the assurance officer if related to alleged discrimination on the basis of handicap. The address of the compliance officer and of the assurance officer is available from the Office of the Superintendent. The compliance officer or the assurance officer shall proceed to resolve the dispute in the same manner that the principal of a school or coordinator of a center would if the alleged violation had occurred at a school or center. The right of further appeal to the Superintendent and to the Board of Education shall be preserved as set forth herein above, with the decision of the Board being final.
- 4.8.5 Exception - Section 504 complaints regarding the identification, evaluation, or services provided to a student under Section 504 will be addressed under a separate process designed specifically to address those complaints.

## **4.9 Americans with Disabilities Act Complaint Procedure**

- 4.9.1 Complaint Criteria - Persons who believe that they have been discriminated against on the basis of disability in the provision of services, activities, programs or benefits covered by the Americans with Disabilities Act may file a written complaint with the Superintendent's office.
- 4.9.2 Complaint Form - The complaint should be in writing and contain information about the alleged discrimination including the name, address, phone number of complaining party and location, date, and description of the problem. Alternative means of filing complaints, such as personal interview or a tape recording of the complaint, will be made available for persons with disabilities upon request.

- 4.9.3 Complaint Process - The complaint should be submitted to the Federal Programs Coordinator as soon as possible, but no later than thirty (30) calendar days after the alleged violation. The Federal Programs Coordinator will meet with the complaining party to discuss the complaint and possible resolutions. Within fifteen (15) work days of the meeting, the Federal Programs Coordinator will respond in writing, and where appropriate, in a format accessible to the complaining party, such as large print, Braille, or audio tape. The response will explain the position of the Board and offer options for substantive resolution of the complaint.
- 4.9.4 Appeal Procedure - If the response by the Federal Programs Coordinator does not satisfactorily resolve the issue, the complaining party may appeal the decision within fifteen (15) work days after receipt of the response to the Superintendent. Within fifteen (15) work days, the Superintendent will respond in writing and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- 4.9.5 Records Retention - All written complaints received by the Human Resources Department, appeals to the Superintendent, and records relating thereto will be retained by the Board for at least three (3) years.
- 4.9.6 Additional Procedures Authorized - The Superintendent is authorized to develop such procedures as are necessary to implement this policy.
- 4.9.7 Exception - Complaints regarding the identification, evaluation, or services provided to a student will be addressed under a separate process designed specifically to address those complaints.

[Reference: 42 U.S. C.A. §12131, *et seq.*]

#### **4.10 Risk Management**

The Board may obtain such liability and other forms of insurance or enter into such risk management agreements, pools, cooperatives, and like arrangements, agreements, or undertakings as it deems necessary and appropriate to meet legal requirements or to protect the Board, its employees, or its property from risk of loss.

#### **4.11 Emergency Closing of Schools**

- 4.11.1 Authority of Superintendent to Close Schools - The Superintendent is authorized to close schools if such action is warranted by weather conditions or other circumstances that pose a risk to the safety and welfare of students and employees, or that render meaningful instruction impossible (e.g., loss of power or other utility services).

4.11.2 Make-Up Dates - To the extent not provided for in the school calendar, any days lost by reasons of an emergency closing will be made up and a revised school calendar approved, if necessary, to reflect any extension or adjustment of the school year required by such action, unless approval to waive the days is obtained in accordance with state law.

#### **4.12 Internet Safety and Use of Technology**

4.12.1 Access to Technology Resources - The Board permits restricted and conditional access to and use of its technology resources, including but not limited to computers, the “Internet,” network storage areas, and electronic mail. Such access and use is restricted to employees, students, and other persons who are engaged in *bona fide* educational and administrative activities that serve and are consistent with identified educational objectives or authorized support functions and who, by signing and “Acceptable Use Agreement,” agree to abide by all Board policies, rules, and regulations regarding technology use. The Acceptable Use Agreement will be developed by the Superintendent for approval by the Board.

4.12.2 Restriction or Loss of Technology Privileges - Persons who violate any Board policy, rule, or regulation regarding technology use may be denied use of the Board’s technology resources and may be subject to additional disciplinary action.

4.12.3 Ownership of Technology Resources and Data - All technology resources, including network and Internet resources, e-mail systems, and computers or other access devices owned, leased, or maintained by the Board are the sole property of the Board. Board personnel may, at any time and without prior notice, access, search, examine, inspect, collect, or retrieve information of any kind from the Board’s technology resources, including computer or related equipment, files, and data, to determine if a user is in violation of any of the Board’s policies, rules, and regulations regarding access to and use of technology resources, for or in connection with any other matter or reason related to the safe and efficient operation or administration of the school system, or for any other reason not prohibited by law. Users of school system technology resources have not personal right of privacy, or confidentiality with respect to the use or content of such resources.

4.12.4 Adoption of Rules and Regulations - The Superintendent is authorized to develop additional or more specific rules and regulations regarding access to and use of its technology resources and to require adherence to such rules and regulations through such means as the “Acceptable Use Agreement” and application of appropriate disciplinary policies and procedures. Such rules and regulations will address or provide:

- a. Measures to block or filter Internet access to visual depictions that are obscene, that constitute child pornography, or that are harmful to minors;

- b. Restriction of access to minors to inappropriate material on the Internet;
- c. The safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- d. Prevention of “hacking” and other forms of unauthorized use of or access to computer or Internet files, sites, databases or equipment;
- e. Unauthorized disclosure, use, and dissemination of personal information regarding minors;
- f. Restriction of minors’ access to harmful material; and
- g. Educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber bullying awareness and response.

4.12.5 Disclaimer - The Board makes no warranties of any kind, either express or implied, that the functions or the services provided by or through the Board’s technology resources will be error-free or without defect. The Board will not be responsible for any damage users may suffer, including but not limited to loss of data or interruption of service.

[Reference: 47 U.S.C. §254(h) and (l)]

#### **4.13 Data Governance and Use**

The Superintendent is authorized to establish procedures governing the storage, use, and sharing of data maintained electronically by the school system. Such procedures shall comply with applicable state and federal law and shall include provisions for data security (including physical security measures), access controls, quality control, and data exchange and reporting (including external data requests, and third party data use). Nothing in this policy or in any procedures authorized hereunder creates or expands any entitlement to confidentiality of records beyond that which is established by law or specific Board policy.

Any unauthorized access, use, transfer, or distribution of Board data by any employee, student, or any other individual may result in disciplinary action (up to and including termination for employees) and other legal action.

#### **4.14 Political Activity**

Employees may not use Board property or resources to engage in political electioneering and may not engage in partisan political activities (including but not limited to the distribution of campaign material or literature) during regular school or duty hours or at

Board-sponsored or Board-sanctioned events, functions, or at activities at which the employee is on duty or assigned official responsibilities.

Employees may not invite or allow announced candidates for political office to address student groups except when such candidates are participating in a forum or like format that is designed to provide all candidates the opportunity to participate. Such forums may be conducted only for appropriate age groups, and with the advance approval of the school principal and the Superintendent.

Signs for political candidates may not be placed on schools or school board property. Campaign literature for political candidates and other such material may not be distributed on Board property during the regular school or work day, and may not be distributed at school or Board-sponsored events or activities in a manner that impedes the normal and safe movement of pedestrian or vehicular traffic, that creates any other safety hazard or risk, or that disturbs or disrupts the function, activity, or event.

#### **4.15 Copyright Restrictions**

It is the policy of the Board to abide by and enforce at every school and work site all copyright laws and regulations, in all formats, including electronic-based works or processes.

#### **4.16 Service Animals in Public Schools**

The Board acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a “service animal” in its school buildings, in classrooms, and at school functions, as required by the Americans with Disabilities Act, 28 CFR Part 35, subject to the following:

4.16.1 Service Animals - A “service animal” means a dog, or in specific circumstances a miniature horse, that has been 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. The work or tasks performed by a service animal must be directly related to the handler’s disability or necessary to mitigate a disability.

School officials may ask the owner or handler of an animal whether the animal is required because of a disability and what work or task the animal has been trained to do unless the answers to these inquiries are readily apparent. School officials may not ask about the nature or extent of a person’s disability and may not require documentary proof of certification or licensing of the animal as a service animal.

4.16.2 Requirements That Must Be Satisfied Before a Service Animal Will Be Allowed On School Property

- a. *Request* - Any request for an individual with a disability to be accompanied by a service animal must be addressed in writing to the Superintendent of Schools and must contain documentation of vaccinations. This written request must be delivered to the Superintendent of Schools at least ten (10) business days prior to bringing the service animal to school or a school function. The request must be renewed each school year.
- b. *Vaccinations* - The service animal must be immunized against diseases common to that type of animal. Owners of a service dog must provide annual proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Coronavirus), Bordetella, and Rabies. Owners of service miniature horses must provide annual proof of the following vaccinations: Equine Infections Anemia (Coggins Test), Rabies, Tetanus, Encephelomyelitis, Rhinoneumonitis, Influenza, and Strangles.
- c. *Health* - The service animal must be in good health. The service animals must be kept clean and groomed to avoid shedding and dander. The service animal must be treated for, and kept free of, fleas and ticks. The service animal must be spayed or neutered.
- d. *Control* - A service animal must be under the control of its handler at all times. The service animal must have a harness, backpack, vest identifying the service animal as a trained service animal, leash (blaze orange in color for hearing service animals), or other tether unless either the handler is unable because of a disability to use a harness, backpack, vest, leash, or other tether, or the use of a harness, backpack, vest, leash, or other tether would interfere with the service animal's safety or effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control.

4.16.3 Service Dogs In Training - Experienced trainers of service animals may be accompanied on school property by a dog that is in training to become a service animal. The dog must be at least six months of age. Trainers must wear a jacket identifying the organization to which they belong. Persons conducting continuing training of a service animal may be accompanied by a service animal while on school property for the purpose of school business. Persons who are part of a three-unit service dog team may be accompanied by a service dog while on school property provided that person is conducting continuing training of a service dog. A three-unit service dog team consists of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog. The dogs may accompany these persons while on school property for school purposes.

- a. *Use of Harnesses, Vest, etc.* - A dog that is in training to become a guide dog or a currently trained guide dog that is undergoing continuing training must be in a harness.

- i. A dog that is in training to become a hearing dog or a currently trained hearing dog that is undergoing continuing training must be on a blaze orange leash.
- ii. A dog that is in training to become a service dog or a currently trained service dog that is undergoing continuing training must be in a harness, backpack, or a vest identifying the dog as a trained service dog.
- iii. The training cannot disrupt or interfere with a school's educational process. It is expected that training would not normally take place in the classroom during instructional time.
- iv. All requirements of this policy which apply to service animals, such as health certificates, annual written requests, and supervision, care and damages, also apply to dogs in training.

4.16.4 Miniature Horses - The school district will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the school district must consider the following factors:

- a. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- b. Whether the handler has sufficient control of the miniature horse;
- c. Whether the miniature horse is housebroken; and
- d. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses.

4.16.5 Extra Charges - The owner or handler of a service animal cannot be required to pay an admission fee or a charge for the animal to attend events for which a fee is charged.

4.16.6 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 school district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal. In the case of a young child or student with disabilities who is unable to care for or supervise the service animal, the parent is responsible

for providing care and supervision of the animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis in the discretion of the Superintendent or his or her designee.

4.16.7 Damages to School Property and Injuries - 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.

4.16.8 Removal of Service Animals from School Property - A school administrator can require an individual with a disability to remove a service animal from school property under the following circumstances:

- a. The animal is out of control and the animal's handler does not take effective action to control it;
- b. The animal is not housebroken.
- c. The presence of the animal poses a direct threat to the health or safety of others; or
- d. The presence of an animal would require a fundamental alteration to the service, program, or activity of the school division.

If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal.

4.16.9 Denial of Access and Grievance - If a school official denies a request for access of a service animal or a dog in training, the disabled individual or parent or guardian can file a written grievance with the school's Section 504 Coordinator.

[Reference: ADA Regulations, 28 CFR Part 35 (as amended 2010)]

#### **4.17 *Title IX: Sex-Based Discrimination & Prohibited Conduct*** ***[New section approved by Board on September 27, 2021]***

##### 4.17.1 Policy Objective

- (a) Statement of the Law – Title IX of Education Amendments Act of 1972 (“Title IX”) provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” This includes discrimination affecting both students and employees.
- (a) Statement of the Law – Title IX of Education Amendments Act of 1972 (“Title IX”) provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be

subjected to discrimination under any education program or activity receiving Federal financial assistance.” This includes discrimination affecting both students and employees.

- (b) *The Board’s Expectations* – The Board is committed to meeting the standards of Title IX and does not discriminate on any basis, including on the basis of sex, in its educational programs and activities.

The Board expects its students and employees to conduct themselves in a non-discriminatory manner, in accordance with Title IX, whether on campus or at a school-based activity off-campus. Title IX’s prohibition against sex-based discrimination includes harassment, unwelcome conduct, sexual assault, dating violence, domestic violence, and stalking. When conduct in violation of Title IX is reported, the District will ensure action is taken to:

- provide supportive services and resources to impacted students and employees;
- conduct a thorough and impartial investigation;
- communicate regularly with those involved in writing throughout the process; and
- promptly provide a written determination following completion of its investigation.

If the District finds a responding party to be responsible for the conduct alleged, in violation of this policy, sanctions up to and including expulsion or termination may be imposed.

#### **4.17.2 Title IX Staff**

The Board has authorized the Superintendent to designate the following Title IX Staff members.

- (a) *Title IX Coordinator* – The Title IX Coordinator shall oversee implementation and enforcement of this policy, as well as compliance with applicable procures, rules, and regulations. Reports, questions, or concerns regarding Title IX and potential instances of prohibited conduct may be directed to the Title IX Coordinator. The Title IX Coordinator shall also receive complaints of prohibited conduct, coordinate investigations, and ensure adequate training.

Contact information for the Title IX Coordinator can be found on the district webpage, at the front office of each school, and will otherwise be made available to students, employees, and community members.

- (b) *Title IX Investigators* – Title IX Investigators will collect and review evidence, including witness statements, and prepare an investigative report. These persons will receive training from the Title IX Coordinator. Only one

investigator will be assigned by the Title IX Coordinator for each individual responsible for investigating other instances of student misconduct and will perform the Title IX investigative duties as needed.

- (c) *Title IX Council* – The Title IX Council will be a panel of Board employees who will review investigative reports and make responsibility determinations. These persons will receive training from the Title IX Coordinator. While the council may consist of several employees, only **one** council member will be assigned to render a decision in each case.

#### **4.17.3 *Scope of Policy***

Title IX prohibits sex-based discrimination, including sexual harassment, whether against students or employees. Note that misconduct falling outside this policy may nonetheless violate other Board policies (such as the student code of conduct) and thus be otherwise subject to disciplinary action.

- (a) *Educational Program or Activity* – This policy applies to all prohibited conduct against any person that occurs in the “**educational program or activity**” of the Board, including all of its schools, regardless of whether that program or activity takes place on or off campus. An “educational program or activity” includes locations, events, or circumstances over which the Board, through its schools and/or employees, exercise substantial control over both the alleged wrongdoer and the context in which the conduct occurred. This may include, for example, an incident that occurs off-campus at a school sponsored event such as a field trip, but must occur in the United States.
- (b) *Covered Individuals* – All students and employees are subject to this Policy, regardless of sex, gender identity, gender expression, or sexual orientation.

#### **4.17.4 *Prohibited Conduct***

A violation of this Policy occurs if a student or employee is found, more likely than not (i.e. by a preponderance of the evidence), to have engaged in any of the types of prohibited conduct defined below. This conduct is prohibited regardless of whether it is directed toward a student, employee, visitor, or other person.

- (a) *Sexual Harassment*
  - (1) Any instance of quid pro quo harassment by a school employee. Quid pro quo means “this for that” and, in this context, refers to situations where a school employee offers favorable treatment in exchange for submission to unwanted sexual advances. This includes both explicit and implicit harassment;

**Example:** Offering an educational opportunity or benefit to a student, like a higher grade, in exchange for a sexual favor. This is sexual harassment regardless of whether the student agrees to the request

- (2) Any unwelcome conduct that a reasonable person would find severe, pervasive, and objectively offensive such that it effectively denies equal educational access; or
  - (3) Any instance of sexual assault, dating violence, domestic violence, or stalking.
- (b) Sexual Assault – Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or not forcibly or against another person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females. Sexual assault may include, but is not limited to rape, fondling, incest, and statutory rape.
- (c) Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- (d) Domestic Violence – Violence committed by a current/former spouse of the victim; person with whom the victim share a child in common; person who is cohabitating with or has cohabitated with the victim as spouse; or person similarly situated to a spouse of the victim.
- (e) Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others; or suffer substantial emotional distress. Stalking may be conducted directly or indirectly and may include, but is not limited to, the following behaviors:
- Making unwanted phone calls, including hang-ups;
  - Sending unsolicited or unwanted letters, emails, texts, or instant messages;
  - Leaving unwanted items or presents;
  - Following or spying on a person;
  - Showing up or waiting at places where the victim will be without a legitimate reason;
  - Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth.
- (f) Sex-Based Discrimination – Any conduct based on a person’s sex, pregnancy, gender identity, or gender expression that adversely affects a term or condition of that person’s employment, education, or participation in an educational program/activity.

**4.17.5 Reporting Prohibited Conduct** – Any person (students, employees, parents/guardians, or other third parties) may report an instance of prohibited conduct, even if his or her knowledge of the incident is based on indirect information. Initial reports may be made in person, by mail, by telephone, by email, or by another means that results in actual receipt of the information by the Title IX Coordinator. Persons may also report potential prohibited conduct to any employee.

**Employees, however, are mandatory reporters and are thus required to promptly report potential instances of prohibited conduct to the Title IX Coordinator.** This requirement exists regardless of how the employee becomes aware of the potential violation or if the person providing the information to the employee requests confidentiality. Where a person requests confidentiality, the employee should inform them of the employee’s obligation to provide all known information to the Title IX Coordinator. Note that the mandatory reporting designation does not supersede an employee’s legal obligation to maintain confidentiality – such as a health care provider’s obligation to keep medical information private.

While prompt reporting is encouraged, there is no time limit on reporting or filing complaints of violations of this Policy,

**4.17.6 Grievance Procedure** – The Superintendent is authorized to implement a grievance procedure that complies with the rules adopted by the United States Department of Education, and to amend those procedures when the Department of Education updates or amends its rules. Those procedures should cover the following: complaint; investigation; decision; and appeal.

**4.17.7 “Rape Shield” Protections**

- (a) Complainants are not required to divulge any medical, psychological, or similar privileged records.
- (b) Prior sexual history of a party is generally irrelevant. An individual’s character or reputation with respect to prior sexual activity is not relevant and cannot be considered as evidence except in limited circumstances. These circumstances include where such history is necessary to explain the presence of a physical injury, or where prior sexual history between the parties may help explain the context of the parties’ relationship and has a bearing on whether consent was sought and given in the particular incident at issue.
- (c) Evidence of a pattern of conduct by the respondent may be relevant, whether before or after the incident at issue, to prove a material fact. It may also have a bearing on assigning appropriate discipline.

**4.17.8 *Criminal or Civil Investigations*** – The policies and procedures outlined in this policy do not supersede applicable state or federal law. The grievance procedure outlined in the policy may be instituted for a violation of law that also violates this policy so long as both violations result from the same factual situation. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

**4.17.9 *Retaliation*** – The Board prohibits retaliation by its employees, students, or agents against any person who exercises their rights pursuant to this Policy or Title IX.

Retaliation is any act that has the effect of punishing a person for engaging in a protected activity, such as reporting prohibited conduct, filing a complaint under the Policy, and assisting or participating in any investigation. Examples of retaliatory acts include, but are not limited to, adverse employment actions or preventing a student from participating in a school-based activity. Retaliation may also include coercion, intimidation, or other harassment that would discourage a reasonable student, employee, or other person from filing a complaint regarding prohibited conduct or otherwise participating in an investigation under this Policy.

**4.17.10 *Withdrawal of a Complaint*** – A complainant may, at any time in the process, request to withdraw a complaint. The Title IX Coordinator will make a decision regarding whether to permit such withdrawal, but will strongly consider the complainant's wishes.

*[Board approved new Section 4.17 on September 27, 2021]*