

Mountain View-Gotebo Public School

*A 2010 National Blue Ribbon School
A 2012 and 2013 Reward School
A 2015 Academic Excellence Award School*

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NONDISCRIMINATION AND HARASSMENT

Discrimination and/or harassment of students are prohibited by Mountain View-Gotebo Public Schools. It is the intent of the District to be nondiscriminatory to all students regardless of race, color, sex, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information. The district also provides equal access to the Boy Scouts of America and other designated youth groups.

I. Sexual Harassment

The Board will not permit or tolerate sexual harassment of students. This policy is equally applicable to administrators, supervisors, all other employees and students. It is also applicable to non-employees and volunteers on district property or serving as trip sponsors.

A. Definition of Sexual Harassment

“Sexual harassment” includes any repeated and unwelcome sexual advances, requests for sexual favors, or verbal, physical or other sexually offensive conduct made by someone in or on any district owned or operated facility/property when the student is under the supervision of district personnel or at school sponsored events/activities when:

1. Submission to the conduct is either explicitly or implicitly a term or condition of an individual’s grades;
2. Submission to or rejection of such conduct by an individual is used as a basis for grade decisions affecting that individual; and/or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s school performance or creating an intimidating, hostile, or offensive school environment.

B. Examples of Sexual Harassment

Examples of acts of sexual harassment which shall not be tolerated include, but are not limited to:

1. Written: sexually suggestive or obscene letters, notes, emails invitations, graffiti which identifies an individual;
2. Verbal: sexually derogatory comments, epithets, slurs, degrading jokes, “teasing”, “kidding”, double meanings; demeaning comments about a person of one sex being able

to succeed in a job/class historically considered to be held/taken by the opposite sex;
solicitation by employees of sexual favors or attention from students;

3. Physical: unwelcome touching of an individual, such as pinching, hugging, patting, repeated brushing against a student's body; pulling at clothing; blocking one's passage;

4. Visual: sexually oriented gestures; displaying sexually suggestive or derogatory objects, pictures, magazines, cartoons, or posters;

5. Any other action, including all forms of electronic communication, which emphasizes the vulnerability of the victim specifically because of gender.

C. Notification

A student should directly inform the harasser that the conduct is unwelcome and must stop. A student who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

A student who feels that he/she is a victim of sexual harassment is urged to report such complaints as soon as possible while facts are known and potential witnesses are available.

D. Disciplinary Action

Employees who sexually harass shall be subject to disciplinary action which may include verbal warning, written admonishment, suspension, and recommendation for non-reemployment or termination subject to applicable procedural and due process requirements.

Students who sexually harass shall be subject to disciplinary action which may include verbal warning, written admonishment, suspension from school or other appropriate action subject to applicable procedural and due process requirements.

It shall be a violation of this policy to disregard and fail to investigate allegations of sexual harassment whether reported by the individual who is the subject of the alleged harassment, or a witness, and to fail to take immediate corrective action in the event misconduct has occurred.

The Board is concerned with the "off-duty" conduct of school personnel when the conduct has or will have a negative impact on the educational process of the school. Any romantic or sexual affiliation between school personnel and students, including students who have reached the age of majority (18), during school hours will have a negative impact on the educational process and shall constitute a violation of school policy. Such violations may result in suspension of the student and suspension or termination for the employee. Any sexual affiliation between school personnel and students under the age of eighteen (18) may constitute a crime under state or federal law.

E. Procedures for filing a Sexual Harassment Complaint

A student who feels that he/she is a victim of sexual harassment must make the concerns known through the following procedures:

1. A student who feels comfortable doing so should directly inform the person(s) engaging in sexual harassing conduct or communications that such conduct or communications is offensive and must stop.
2. Students who feel that employees of the District or other students are subjecting them to sexual harassment should report these conditions to a teacher or counselor. If the student's teacher or counselor is the alleged offending person, the report will be made to the building principal or assistant principal. If the student's principal or assistant principal is the alleged offending person, the report must be made to the Assistant Superintendent of Student Services or the Deputy Superintendent of Personnel Services in the Administrative Services Center. Confidentiality will be maintained and no one other than those necessarily involved will be contacted.
3. A teacher, principal, or other administrator is responsible for taking appropriate and effective action when he/she knows, or reasonably should have known, that an individual under his/her supervision is being sexually harassed.
4. The teacher, principal, Assistant Superintendent or other administrator shall promptly discuss any concerns with the student making the complaint.
5. The adult shall be responsible for immediately informing the Building Principal of the complaint.
6. The Superintendent shall develop regulations outlining steps to be taken in the investigation process.
7. It is improper for the student, acting on his/her own, to solicit statements in support of the allegation.
8. Retaliation is prohibited against an individual who complains of sexual harassment, anyone who testifies on behalf of the complainant, anyone who assists or participates in an investigation, proceeding, or hearing conducted under this policy.
9. If a student intentionally fabricates a complaint of sexual harassment against another individual covered under this policy, the student shall be subject to disciplinary action which may include verbal warning, written admonishment or suspension from school subject to applicable procedural and due process requirements.

II. Racial Harassment

The Board will not permit or tolerate racial harassment of students. This policy is equally applicable to administrators, supervisors, all other employees and students. It is also applicable to non-employees and volunteers when they are on district property, serving as trip sponsors, or participating in a school-sponsored event.

- A. Definition of Racial Harassment According to the Office of Civil Rights, Racial Harassment occurs when a hostile environment related to an individual's race is created through oral, written, graphic or physical conduct, which is sufficiently severe, persistent or pervasive so as to interfere or limit an individual's participation in educational programs and activities.

B. Examples of Racial Harassment

Examples of acts of racial harassment which shall not be tolerated include, but are not limited to:

1. Verbal: demeaning remarks to an individual or group, including name calling, racial slurs and jokes; fighting words based on race, color, or national origin.
2. Visual and Written: materials intended to create a hostile or demeaning environment.
3. Physical: threatening or assaulting; impacting the safety of others.

C. Notification

A student who feels that he/she is a victim of racial harassment is urged to report such complaints as soon as possible while facts are known and potential witnesses are available to his/her teacher, counselor, or principal. The school staff member shall report the incident to the Superintendent.

D. Non-Retaliation

Retaliation is prohibited against an individual who complains of racial harassment, anyone who testifies on behalf of the complainant, or anyone who assists or participates in an investigation or proceeding conducted under this policy.

E. Disciplinary Action

Individuals engaging in racial harassment shall be subject to disciplinary action which may include verbal warning, written admonishment, suspension, and in the case of employees, recommendation for non-reemployment or termination subject to applicable procedural and due process requirements. It shall be a violation of this policy to disregard and fail to investigate allegations of racial harassment whether reported by the individual who is the subject of the alleged harassment, or a witness, and to fail to take immediate corrective action in the event misconduct has occurred.

F. Procedures for Filing a Racial Harassment Complaint

A student who feels that he/she is a victim of racial harassment must make the concerns known through the following procedures:

1. Reporting the condition to a person of authority. Students who believe that employees of the District or other students are subjecting them to racial harassment must report these conditions to a teacher or counselor. If the student's teacher or counselor is the alleged offending person, the report will be made to the building principal. If the student's principal is the alleged offending person, the report must be made to the Superintendent. Confidentiality will be maintained and no one other than those necessarily involved will be contacted.
2. Filing the complaint with District administration. The teacher, principal, or other administrator shall promptly discuss any concerns with the student making the complaint and immediately inform the Superintendent of the complaint.
3. Investigating the complaint. Within five (5) working days of the complaint being filed, an initial investigation of the complaint will be initiated by the Superintendent or his/her designee.

III. Individuals With Disabilities

The District recognizes its responsibilities to children who are or may be qualified persons with disabilities under Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act ("Title II).

All qualified persons with disabilities within the jurisdiction of the Norman Public Schools are entitled to a Free Appropriate Public Education ("FAPE"), regardless of the nature or severity of the person's disability. Section 504 and Title II define a person with a disability as any person who (a) has a physical or mental impairment that substantially limits one or more major life activities, (b) has a record of such an impairment or (c) is regarded as having such an impairment.

A. Definition of Disability

The definition of disability shall be construed in favor of broad coverage of individuals, to the maximum extent permitted by Section 504 and Title II.

The term "physical or mental impairment" means (a) 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 (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The phrase "physical or mental impairment" includes, but is not limited to, such contagious and noncontagious 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, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

The term "major life activities" includes, but is not limited to, functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A "major life activity" also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as: (a) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices,

mobility devices, or oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable accommodations or auxiliary aids or services; or (d) learned behavioral or adaptive neurological modifications.

The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

For purposes of this policy, a "qualified person with a disability" is a person with a disability who is (a) of an age during which it is mandatory under Oklahoma law to provide such services to persons with disabilities; (b) of an age during which persons without disabilities are provided such services; or (c) a person for whom a state is required to provide a FAPE under the Individuals with Disabilities Education Act.

1. Appropriate Education

An appropriate education may comprise education in regular classes, education in regular classes with the use of related aids and services, or special education and related services in separate classrooms for all or portions of the school day. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions and may be accompanied by related services such as speech therapy, occupational and physical therapy, psychological counseling and medical diagnostic services necessary to the child's education. An appropriate education in the District will include: (a) Regular or special education and related aids and services designed to meet the individual education needs of students with disabilities as adequately as the needs of non-disabled students are met; (b) The education of each student with a disability with non-disabled students, to the maximum extent appropriate to the needs of the student with a disability; (c) Evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic reevaluation of students who have been provided special education or related services; and (d) Establishment of due process procedures that enable parents and guardians to receive required notices, review their child's records and challenge identification, evaluation and placement decisions, and that provide for an impartial hearing with the opportunity for participation by parents and representation by counsel, and a review procedure.

The District will design education programs for students with disabilities to meet their individual needs to the same extent that the needs of non-disabled students are met. The District will provide the quality of education services to students with disabilities that equal the quality of services provided to non-disabled students. The District will provide teachers for students with disabilities who are trained in the instruction of individuals with disabilities. The District will provide comparable facilities for students with disabilities and make appropriate materials and equipment available.

The District will not exclude students with disabilities from participating in nonacademic services and extracurricular activities on the basis of disability. The District will provide persons with disabilities an opportunity to participate in nonacademic services that is equal to that provided to persons without disabilities. These services may include physical education and recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, and referrals to agencies that provide assistance to persons with disabilities and employment of students.

2. Educational Setting

The District will place students with and without disabilities in the same setting, to the maximum extent appropriate to the educational needs of the students with disabilities. The District shall place students in the regular education environment unless the District demonstrates that the education of the student in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily. Students with disabilities will participate with nondisabled students in both academic and nonacademic services, including meals, recess and physical education, to the maximum extent appropriate to their individual needs.

As necessary, the District will provide specific supplementary aids and services for students with disabilities to ensure an appropriate education setting. Supplementary aids may include, but are not limited to, interpreters for students who are deaf, readers for students who are blind, and equipment to make physical accommodations for students with mobility impairments.

3. Evaluation and Placement

The District will make evaluation and placement decisions in accordance with appropriate procedures required by law. The District will conduct an individual evaluation before any action is taken with respect to the initial placement of a child who has a disability or before any significant change in that placement. The District will use tests and other evaluation materials that have been validated for the specific purpose for which they are used. The tests and other evaluation materials will include those tailored to assess the student's specific areas of educational need, not merely those designed to provide a single general intelligence quotient (IQ) score. Trained personnel will administer the tests and other evaluation materials in conformance with the instructions provided by their producer. The District will select and administer tests so as best to ensure that, when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than

reflecting the student's impaired sensory, manual or speaking skills, unless those skills are the factors the test purports to measure. In interpreting evaluation data and making placement decisions, the District will draw upon information from a variety of sources, including but not limited to aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior. A multidisciplinary group, including persons knowledgeable about the child, the meaning of the evaluation data and the placement options, will document and consider carefully information obtained from all such sources in making eligibility and placement decisions.

The multidisciplinary group will consider reevaluation at least every three (3) years for each student for whom the District is providing a FAPE or more frequently if conditions warrant or if the child's parent or teacher requests a reevaluation.

4. Section 504/Title II Plan When the multidisciplinary group determines that a student is eligible for educational services under Section 504 and Title II, it will prepare a plan documenting how the District will provide FAPE for that student. The plan will identify the educational services, related services and supplementary aids and services needed to meet the student's individual educational needs, the person(s) responsible for implementing each component of the plan, the starting and ending dates for each component and a date, no less than annually, on which to review the plan.

The District will provide appropriate education and related aids and services free of charge to students with disabilities and their parents or guardians, except for fees equally imposed on non-disabled persons or their parents or guardians.

If the District is unable to provide a FAPE itself, it may place a person with a disability in, or refer the person to, a program other than the one it operates. However, the District will remain responsible for ensuring that the education offered to the student is appropriate, as defined by law, and for coverage of financial obligations associated with the placement. The District will ensure that adequate transportation is provided to and from any program in which it places the student that is not operated by the District, at no greater personal or family cost than would be incurred if the student were placed in the District's program.

B. Procedural Safeguards

The District will employ procedural safeguards regarding the identification, evaluation or educational placement of persons who, because of disability, need or are believed to

need special instruction or related services. District personnel will notify parents or guardians of any evaluation or placement actions and parents or guardians will be allowed to examine the student's records. The District will provide parents or guardians with a copy of its Section 504 of the Rehabilitation Act of 1973/Title II of the Americans with Disabilities Act Information and Procedural Safeguards form annually at the student's Section 504 plan meeting and when the District (a) seeks parent or guardian consent for Section 504 evaluation or reevaluation, (b) receives a complaint from the parent or guardian alleging failure to comply with Section 504 or Title II requirements, (c) receives a request from the parent or guardian for a copy of the Procedural Safeguards form, and (d) takes any action with respect to the identification, evaluation, or educational placement of the student.

The District will provide an impartial hearing by an objective, neutral hearing officer that will allow parents or guardians to challenge identification, evaluation and placement procedures and decisions. If parents or guardians disagree with the District's decisions, they will be afforded an impartial hearing, with an opportunity for their participation and for representation by counsel. The District will make available an impartial administrative review procedure by an objective, neutral review officer to parents or guardians who want to challenge the hearing decision. If the parent or guardian wants to challenge the administrative review decision, he or she may file an action in state or federal court.

C. Retaliation

The District also prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the District's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The District will take steps to prevent the alleged perpetrator or anyone else at the District from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the District will take strong responsive action. Persons with complaints or concerns about the application of this policy should contact:

Mountain View-Gotebo Public Schools
Director of Special Services Section 504/Title II Coordinator
124 South 1st Street
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580-347-2211