

521.4 **ADMISSION AND CLASSIFICATION OF STUDENTS** (Approved 12-7-87)

ACQUIRED IMMUNE DEFICIENCY SYNDROME (REGULATION)

In accordance with the policy of the Board of Education, this regulation shall govern the placement of students infected with the Human Immunodeficiency Virus (HIV) which can result in Acquired Immune Deficiency Syndrome (AIDS), and its related illnesses.

The knowledge that a student of this school district is afflicted with AIDS may arise from different sources. If a student or the student's parents or guardian advises a member of the staff that the student has AIDS or is suspected of having AIDS, the staff member will report that information immediately to the Superintendent.

If the student or any person other than a student's parents or guardian reports that a student has or is suspected of having AIDS, the Superintendent will meet with the student's parents or guardian as soon as possible. The Superintendent will determine if the parents/guardian have knowledge of the student's infection and, if not, whether further medical examination is desired. If the Superintendent confirms that the student is infected with AIDS, the Superintendent will report the student's illness to the Oklahoma Department of Public Health.

When a student is confirmed as being infected with AIDS, the Superintendent will discuss the educational options of the student with a Health Review Committee composed of the parents, the student's physician, state health department personnel, state department of education personnel, and school personnel. School personnel may include the Superintendent or the Superintendent's designee, the counselor, and, for elementary students, the home room or grade teacher. The Health Review Committee shall make recommendations for educational placement after weighing the risks and benefits to both the infected child and to others in the educational setting. If the Health Review Committee determines that the condition of the student warrants the child being classified as a "handicapped child" in need of special education and related services under P.L. 94-142, then the district shall convene a Special Education Placement team to devise an Individual Educational Placement for the child.

The Health Review Committee will determine if the student's health poses an immediate and present danger to the student, the school staff, or other students if the infected student is placed in a regular classroom environment. If the Health Review Committee determines that such a danger is present, the Superintendent will offer homebound instruction to the student under the school's homebound instruction program. A student with AIDS may be temporarily removed from the classroom by the school Superintendent if and when communicable diseases are occurring in the school population in order to protect the infected student from extraordinary risk.

If the Health Review Committee determines that the student's health does not pose an immediate danger to the student, school staff, or other students, the Health Review

Committee will be requested to conduct a monthly evaluation of the infected student's progress or a more frequent evaluation as circumstances warrant.

530. **OPEN TRANSFER POLICY**

ATTACHMENT A
Application Form

Completion of this form is required of each applicant for a transfer in order to apply the criteria of this policy. Failure to fully and truthfully complete and timely submit this form to the district will result in a denial of the transfer. Completion of this form will be in addition to completion of any form required by the State Board of Education.

1. Full name of student as It appears on the student's birth certificate:

2. Date of student's birth: _____

3. Current address of student: _____

4. Full names of parent(s), guardian(s), or custodian(s) of the student:

5. Educational history of the student:
 - A. School district in which student currently resides: _____

 - B. School in which the student is currently enrolled, if different from above.

 - C. If the student has not exclusively attended the school district in which the student is currently enrolled, list the name of each school district and addresses, if known, in which student has ever been enrolled:

School: _____
Dates of Attendance: _____
Grade Completed Upon Leaving District: _____

School: _____
Dates of Attendance: _____
Grade Completed Upon Leaving District: _____

School: _____
Dates of Attendance: _____
Grade Completed Upon Leaving District: _____

School: _____
Dates of Attendance: _____
Grade Completed Upon Leaving District: _____

6. Current or last completed grade of student: _____

7. Grade in which the student desires to enroll: _____

8. Courses in which the student desires to enroll in each semester in the coming school year:

9. Has the student a disciplinary record *for* violating school regulations?

Yes No

If yes, state school(s) in which each violation occurred and approximate date(s) of violation(s):

10. Has the student ever been suspended from school or placed in an alternative education program or setting for disciplinary reasons?

Yes No

If Yes: For each suspension and alternative program or setting, state the school which suspended or placed the student; the nature of the offense; and approximate date of the suspension or placement, if different from the above:

11. Has the student been adjudicated as a delinquent for either a violent or nonviolent offense under relevant Oklahoma law?

Yes No

If Yes: State the name of the court making the adjudication; the time of such adjudication; the nature of offense; whether the student is still under any court supervision; and, if so, the name of the person overseeing such supervision:

12. Has the student been convicted as an adult for either a violent or nonviolent offense as defined in relevant Oklahoma law?

Yes No

If Yes: State the name of the court in which the conviction was entered; the time of the conviction; the nature of the offense; the sentence imposed; whether the student is still under any court supervision; and, if so, the name of the parole officer or other supervisor:

13. Has the student committed on school property, in school transportation, or at a school event, a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or others?

Yes No

If Yes: State the school district attended when the act occurred; the approximate date of the act; and describe what occurred:

14. Has the student possessed on school property, in school transportation, or at a school event, an alcoholic beverage; low-point beer, as defined by relevant Oklahoma law; or been involved with missing or stolen property found to have been taken from a student, school employee, or the school during school activities?

Yes No

If Yes: State, for each separate act, the school district attended when the act occurred; the approximate date of the act; and describe what occurred:

15. Has the student possessed on school property, while In school transportation, or at a school event, a dangerous weapon or a controlled dangerous substance, as defined by relevant Oklahoma law, or a prescription or non-prescription mood-altering substance?

Yes No

If Yes: State, for each separate act, the school district attended when the act occurred; the approximate date of the act; and describe what occurred:

16. Has the student ever been removed from any school for making an electronic communication with the intent to terrify, intimidate, harass, or threaten injury or harm to faculty or other students?

Yes No

If Yes: State, for each separate act, the school district attended when the act occurred; the approximate date of the act; and describe what occurred:

17. If the student has been identified as a child with a disability, this district will need to review all such records to make a reasonable determination of whether the district has the facilities, programs, staff, and space to implement the student's current or anticipated Individualized Education Program (IEP) or Section 504 Accommodation Plan, and, if preliminary approval of a transfer is made, to conduct the statutorily-required joint IEP or Section 504 conference with the resident school district. Is the student currently, or has the student been, a child with a disability who received an IEP or Section 504 Accommodation Plan?

Yes No

If Yes: Brief describe the nature of the disability; the approximate time period in which the student has been, or was, under an IEP or Section 504 Accommodation Plan: and the names of the school districts which implemented the student's plan:

18. Do you agree to complete the Consent For Release Of Confidential Information, allowing this district to review all educational records of the student from all previous schools attended by the student?

Yes No

ATTACHMENT B
Transfer Student Consent to Cancellation of
Transfer

The undersigned, who is **not** a resident of this district, recognizes:

1. That the undersigned non-resident student has a right by law to attend the school district of residence;
2. That the non-resident student desiring to enroll in this district has **no** statutory right to attend this district;
3. That the district is not required to accept this transfer application; and,
4. That the district does not desire to accept a transfer of a student who will detract from the educational process of resident students or take the place of another transfer applicant who would not detract from that process.

The undersigned hereby agrees that if the district approves a transfer allowing the undersigned student to enroll in this district, the administration of the district has the irrevocable consent of the undersigned to cancel the student's transfer at any time. Reasons for cancellation include, but are not limited to, the following:

1. The student fails to comply with student behavior rules set by the district, school, or teacher;
2. The parent(s), or student 18 years of age or older, fails to promptly pay financial obligations owed to the district, including payments owed, but not limited to, school lunches and for lost or destroyed district property;
3. The student does not have a valid excuse for failure to attend school;
4. The superintendent or board determine that due to a financial shortfall occurring at any time or over-enrollment causing crowded classrooms or programs that it is necessary to cancel any transfer for the best interests of the students who reside in the district; or
5. The best interest of the district.

The undersigned also is informed that this consent to cancellation and waiver of rights to contest cancellation of the transfer is a condition to the granting of the transfer and for continued enrollment after transfer acceptance, and thus the consent may not be withdrawn at any time in the future.

The undersigned also understands that although the administration will notify the parent(s), or student 18 years of age or older, of any cancellation, the undersigned understands and agrees that the determination of the administration that a cancellation is to be effected will be final, that the undersigned will have **no** right to appeal that determination to the board of education, and that after cancellation, the administration will send the educational records of the student to the student's resident school district or to such other school district as the undersigned directs.

By signing this agreement, I affirm that I have read and understand the above conditions concerning acceptance of the transfer application and my consent to district authority to cancel the transfer, if granted, for the reasons stated above.

EXECUTED this ____ day of _____, 2____.

Signature of Parent or Adult Student

Printed Name

540.1 BOARD OF EDUCATION (Approved 8-3-98)

SAPULPA PUBLIC SCHOOLS
WAIVER OF REVIEW OF THE
OUT OF SCHOOL SUSPENSION DECISION
(Select proper paragraph)

I agree with the principal's decision to suspend my child out of school. I understand that I have the right to appeal the principal's decision to the Suspension Review Committee (for an out-of-school suspension of ten days or less) or to the Superintendent and ultimately the Board of Education (for an out-of-school suspension of more than ten days). I hereby waive my right to appeal review of the decision.

Parent/Guardian Signature

Student's Name

Date

I agree with the Superintendent's decision to uphold the suspension of my child from school. I understand that I have the right to appeal the Superintendent's decision to the Board of Education. I hereby waive my right to appeal review of the decision.

Parent/Guardian Signature

Student's Name

Date

540.1 POLICY REVIEW PROCEDURE - SHORT-TERM SUSPENSIONS

_____ SCHOOL

1. Select 3-5 members based on the case to be heard. Do not select teachers of the student if possible.
2. Arrange the room so that the parents are at one end of the table, you at the other end, teachers on the sides, secretary and school person by you.
3. Introduce all members of the committee as well as all other people in the room. Note which members are voting members.
4. If the parents bring an attorney, advise him that he may participate in the hearing.
5. Call the committee to order and tell them why they are there. Read the suspension notice to the committee.
6. SET THE GROUND RULES:
 - I. Committee will hear information based on:
 - A. Is the student guilty of a rule violation?
 - B. Is the penalty in keeping with the severity of the infraction?
 - II.
 - A. Committee will hear the information from the school which led to the suspension recommendation.
 - B. Committee will ask questions of school presenter.
 - C. Student will present his side to the committee.
 - D. Committee will ask questions of the student.
 - E. Parents may be given the opportunity to address the committee.
 - III. Remind the committee that they will make a recommendation to the principal to:
 - A. SUSTAIN THE SUSPENSION
 - B. RESCIND THE SUSPENSION
 - C. MODIFY THE SUSPENSIONRECOMMENDATION B OR C REQUIRES A WRITTEN REASON.
7. Excuse parents, student and any other nonvoting people present except the secretary.
8. Committee to consider information, vote by written ballot, secretary to record the vote and announce results.
9. Adjourn the committee, send recommendation to principal and wait for an answer.

10. Notify parents of the decision.

540.1

SAPULPA _____

To: Suspension Appeals Committee (Short-term Suspensions)

From: _____

Date: _____

NOTICE OF SUSPENSION REVIEW:

Student: _____

Date: _____

Time: _____

Room: _____

Committee

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

540.1 Insert STUDENT SUSPENSION form (legal page, reduced) - page 1

540.1 Insert STUDENT SUSPENSION form (legal page, reduced) - page 2 (notice to parents/guardians DUE PROCESS

540.1.7 **STUDENT BULLYING PREVENTION AND INTERVENTION REPORT FORM**
(Revised 4-9-12)(Revised11-11-13)

The Board of Education expressly prohibits any form of bullying behavior by students at school as well **as active or passive support for acts of bullying**. In addition, the Board of Education prohibits bullying behavior by students that does not occur at school, but which causes a substantial and material disruption at school or an interference with rights of students and personnel to be secure.

In Addition:

Any person who knowingly makes false accusations against another person will be appropriately disciplined pursuant to district policy. Any accusations confirmed to be false will be removed from the falsely-accused student's file.
Retaliation is expressly prohibited against any person who participates in reporting, investigating or addressing any incident of student bullying behavior.

Any person may report an issue of bullying or harassment

Today's date: ____ / ____ / ____

School Site: _____

PERSON REPORTING INCIDENT (optional)

Please indicate your relationship to the target of the bullying (e.g. Parent, teacher, school staff member, etc.)

Name: _____ Relationship _____

Telephone: _____ E-Mail: _____

1. Name of student victim: _____ Grade ____ Sex ____ Race ____

Name (s) of alleged offender (s) _____ Grade ____ Sex ____ Race ____

Name (s) of alleged offender (s) _____ Grade ____ Sex ____ Race ____

Name (s) of alleged offender (s) _____ Grade ____ Sex ____ Race ____

Date and Time of the Incident (s): _____, _____, _____, _____.

Location of Incident (s) _____

(Off school property, athletic event, hallways, cafeteria, classroom, gymnasium, playground, school bus stop, any school sponsored activity, off campus, etc.)

List all witnesses including students and faculty or staff. If Witnesses are NOT students, please include contact information if possible:

Witness: _____ Witness: _____

Witness: _____ Witness: _____

2. Describe in detail the actions or behaviors that you interpret as intentional acts of bullying or harassment. *The list may include but not be limited to:* Cyber/social network bullying, social isolation or exclusion, physical threats or acts of violence, intimidation, name calling, rumors or slander, taking another person's property.

Place an X next to one of the following:

3. Do you have copies of cyber bullying? Social Network pages, written threats, etc.

No Yes, but are not attached with this report Yes and are attached with this report

4. Did Physical Injury result from this incident:

No Yes, but it did not require medical attention. Yes, and it required medical attention

5. Was the student victim absent from school as a result of this incident?

No Yes how many days? _____

6. Has a complaint relevant to this incident been filed before? Where: _____

With Whom: _____ When: _____

7. Has a formal police report been filed with the Sapulpa Schools Campus Police, Sapulpa Police Department or Creek County Sheriff's Office? Yes No

8. If yes, please provide the Police Report Number. _____

NOTE: If the bullying/harassment include physical assault and battery or sexual assault or battery, threats to kill, or threats that include a weapon, then the Sapulpa School Resource Officer must be notified for preparation of a formal police report.

SAPULP PUBLIC SCHOOLS

BULLYING INVESTIGATION SUMMARY

Sapulpa Public Schools Board Policy 540.1.7 (Excerpt)

"Require school administrators to identify the appropriate personnel to document, investigate, and review all reports of bullying they receive."

Step 1: Assignment for investigation to site administration

Date Received: _____

Investigator's Name _____

Documentation:

- | | |
|---|--|
| <input type="checkbox"/> Written statement of student victim | <input type="checkbox"/> Obtained copy of police report if available |
| <input type="checkbox"/> Written witness/bystander statements
<i>both victim and/or alleged offender</i> | <input type="checkbox"/> Written summary of investigation with your conclusion |
| <input type="checkbox"/> Written statement of alleged offender | <input type="checkbox"/> Interview and/or notification of investigation to parents/guardians |
| <input type="checkbox"/> Written statement of school nurse if applicable | <input type="checkbox"/> Intervention Plans – |
| <input type="checkbox"/> Review of any medical information | Victim Offender |
| <input type="checkbox"/> Collected and examined any physical evidence if available | Bystander School Community |
| | <input type="checkbox"/> Follow up Report (See Step 2) |

Findings of Bullying

_____ The Complaint is Sustained. Bullying was verified.
(If Sustained a School Intervention Plan must be developed and implemented)

_____ The Complaint was Not Sustained. There was not enough verifiable proof that Bullying taking place or the complaining party has refused to assist in the investigation.
(If Not Sustained a School Intervention Plan may be developed and implemented)

_____ Unfounded. The complaint was discovered to have no merit or the complaining party has informed the investigator that the allegations were false and untrue.

School Intervention Plan for Victim – Offender – Bystander

School Intervention Plan Victim: Yes _____ No . If no, why was a plan not implemented?

School Intervention Plan Offender: Yes _____ No . If no, why was a plan not implemented?

School Intervention Plan Bystander: Yes _____ No . If no, why was a plan not implemented:

List names of school personnel involved in writing the plan:

(School Intervention Plan is not required for all parties)

Notification of Student Parents/Guardians

Date of notification of victim's parents: _____ phone _____ letter _____ conference

Date of notification of accused parents: _____ phone _____ letter _____ conference

A copy of the Original Report Form, attachments of copies of all written statements, a narrative summary of your investigation conclusions, written correspondence with parents (if applicable) and a copy of the School Intervention *Plan taken to address the problem shall be filed at the school site.*

Step 2: Follow Up

A follow-up interview with the student/victim is mandatory within two weeks, (maybe earlier) to close the investigation regardless of the Findings listed above. *Note: Even an unfounded report requires a follow up.*

Follow Up with the victim(s) within two weeks of conclusion of investigation has been assigned to:

Name _____ Date Completed _____

Findings of Follow Up Interview

Victim reports no other concern: Victim's INTIAL HERE _____

Parent/Guardian contact optional:

Date of Contact Phone: _____ Letter: _____ Conference _____

Person who made contact: _____

The actions of bullying or harassment are ongoing and this is a repeated offense. Begin at Step 1 on reporting process.

Comments: _____

The School Investigator should begin documentation of the steps that will be taken to remedy this situation as soon as possible. School Intervention Plans should be reconsidered. If repeated activity of bullying is present, then immediate action is necessary to stop the activity and to eliminate the threat to the victim.

ADMINISTRATION ONLY

This investigation is closed: _____ Dated: _____

This investigation remains open: _____ Dated: _____

540.2 GUIDELINES FOR DETERMINING UNNECESSARY ABSENCES FOR HS, JH AND MS (Revised 2-2-09)

- A. 4-H Absences.
 - 1. Pre-approval is required at least one week in advance.
 - 2. No penalty will be applied on the day that actual participation in show or contest takes place. All other absences for 4-H will be penalized.
 - 3. Excused absences for 4-H activities will be applied to the 10 day limitation for all school activities and the penalty will be applied when 4-H absences plus absences for other school activities reach ten.
- B. Doctor and dentist appointments are excused but we recommend that appointments be scheduled after school hours if possible.
- C. A review team will consider absences due to selection of students for honors and their need to be present to receive; however, the student must meet the 90% attendance requirement. The review team will consist of one principal, a counselor, and one classroom teacher.
- D. Nothing in these regulations should be construed to negate the requirement for 90% attendance by students in order to receive credit.
- E. Pre-approval for certain kinds of absences, examples of which are a high school senior visiting a college or completing a military service examination or similar obligation, may be excused if pre-approval is granted by the principal or his-her designee. Previous attendance will be considered in granting such a request.

540.4 DISRUPTION OF SCHOOL - PROCEDURES FOR DEALING WITH STUDENT DEMONSTRATIONS

The following procedures should be taken by the principal or person in charge of the building, when there is a student (or non-student) walkout, sit-in, or other type of demonstration disruptive to the normal school process.

Phase I

I am _____, _____
(Name) (Title)

of _____, and am asking you to return to your
classes (School or Office)

(or, if there are any non-students in the group, to leave the premises.) If you remain here you are violating the rules and regulations of the Board of Education. Therefore, once again, I must ask you to return to your classes (or, for non-students, to leave the premises.) Those who fail to respond to this request within the next five minutes will be subject to suspension from school and/or prosecution for violating the law of the State of Oklahoma. Please avoid additional trouble by leaving at this time.

(Pause - 5 minutes)

Phase II

I am _____, _____
(Name) (Title)

of _____. Five minutes ago I asked each of you
who are
(School or Office)

students in our school to return to your classes (and those who are not students to leave the premises.) I indicated to you at that time that if you had not returned to your classes or vacated the premises by this time you would be subject to suspension and/or arrest. Therefore, I am now indicating that each of you who are enrolled in our school are suspended from school; and you may not return to school until an individual appointment has been made and kept by you and your parent(s). Your parent(s) will be contacted in the near future regarding the appointment date.

To avoid further difficulty and possible arrest, I am now asking each of you to leave the school property immediately. You will have five minutes to comply with this request. If you have not vacated the school property in five minutes, the police will be called and you will be forced to leave and you may be arrested. I must remind you that such an action will be recorded on your school record and will become a part of the police record as well.

Neither of these will help you or your cause and will undoubtedly bring embarrassment to your family. Therefore, for the last time, I am reminding you that you have five minutes to leave the school property. Those failing to comply are in violation of the law of the State of Oklahoma since you are remaining unlawfully upon this property. In addition, since I am asking you directly to leave, failure to comply is an insubordinate act. You have five minutes to leave the school property.

(Pause - 5 minutes)

Phase III

I am _____, _____

(Name) _____ (Title)
of _____ . As a person delegated by the Board of
(School or Office)
Education to be in charge of this property, I have indicated to you on two occasions that you are remaining on this property unlawfully, and I ordered you to leave. Since you have not done so, I have called for police assistance and I am prepared to file charges against you for prosecution as a violator of the law of the State of Oklahoma. This is _____ of the Sapulpa Police Department.
(Name of police officer)

541.1 SPECIAL EDUCATION DISCIPLINE PROCEDURES(Approved 8-08-16)

DISCIPLINARY REMOVAL OF CHILDREN WITH DISABILITIES

Purpose

The purpose of this procedure manual is to explain how the District complies with the requirements of federal and state law and regulations when it seeks to implement the disciplinary removal of a child with a disability.

Definitions

"Child with a disability" means a child who has been identified for educational purposes under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act.

"Controlled substance" means a drug or other substance identified under schedules I, II, III, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. § 812(c).

"Disciplinary removal" means

- (a) Removal from school for out-of-school suspension.
- (b) Removal from school at District request without an out-of-school suspension, even if the child's EP, 504 Plan or Behavior Intervention Plan provides that the child's removal from school for a period of time is appropriate to address behavior concerns.
- (c) Placement in an in-school intervention program, **unless** the child (i) is afforded the opportunity to continue to progress appropriately in the general curriculum while in in-school intervention; (ii) continues to receive the services specified in his or her EP or 504 Plan while in in-

school intervention; and (iii) continues to participate with nondisabled children while in in-school intervention to the extent the child would have in the current placement.

- (d) Removal from the bus or other required school vehicle if bus/other transportation is included as a part of the child's EP or 504 Plan, **unless** the District provides the child with an alternate form of transportation during the removal.

"Illegal drug" means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a license health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

"School day" means any day, including a partial day, that children are in attendance at school for instructional purposes.

"Serious bodily injury" means bodily injury that involves (a) a substantial risk of death; (b) extreme physical pain; (c) protracted and obvious

disfigurement; or (d) protracted loss or impairment of the function of a bodily member, organ or mental faculty.

"Weapon" means a dangerous weapon as defined by 18 U.S.C. § 930(g)(2), specifically, a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

Disciplinary Removal Days

District personnel will keep track of the number of disciplinary removal days for each child with a disability during each school year. For disciplinary removals that are less than a full school day in length, District personnel will keep track of the number of school hours of removal.

Change of Placement

When a proposed disciplinary removal would constitute a change of placement for a child with a disability, District personnel will follow the process identified in this policy.

By law, a change of placement for a child with a disability occurs when (a) the disciplinary removal is for more than ten (10) consecutive school days during the school year; or (b) the child has been subject to a series of disciplinary removals during the school year that constitutes a pattern.

When reviewing a series of disciplinary removals to determine whether a pattern exists, District personnel will consider the following factors :

- (a) The series of removals total more than ten (10) school days in a school year;
- (b) The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
- (c) Such additional factors as the length of each removal, the total amount of time the child has been removed and the proximity of the removals to one another.

Case-by-Case Determination

District personnel shall consider any unique circumstances on a case-by-case basis when determining whether a change of placement is appropriate for a child with a disability who has violated the District's code of student conduct.

Short-Term Disciplinary Removal

District personnel may remove a child with a disability who has violated the District's code of student conduct from the child's current placement to (a) an appropriate interim alternative educational setting; (b) another setting; or (c) suspension, for not more than ten (10) consecutive school days. This removal is not a change of placement.

In addition, District personnel may subject the child to additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct as long as those additional removals do not constitute a change of placement.

Educational Services During Short-Term Disciplinary Removal

During removals for ten (10) school days or less during the school year, the District will provide a child with a disability the same level of services it provides to children without disabilities.

After the District has removed a child with a disability from the child's current placement for ten (10) school days during a school year, if the District imposes another disciplinary removal of ten (10) consecutive school days or less and determines that that removal is not a change of placement, then District personnel, in consultation with the child's special education teacher, will determine the extent to which the child needs services during that removal. In making this decision, District personnel will consider whether services are needed to enable the child (a) to continue to appropriately progress in the general curriculum, although in another setting, and (b) to advance appropriately toward meeting the goals set out in the child's IEP or Section 504 Plan. The District will provide whatever services the group determines necessary during the removal.

Notice to Parent

When the District imposes a disciplinary removal for a child with a disability that constitutes a change of placement, the District will immediately take certain actions.

On the day it makes the decision to impose a disciplinary removal that constitutes a change of placement, District personnel will notify the child's parent of the decision and provide the parent a copy of the appropriate IDEA or Section 504 procedural safeguards form.

Making a Manifestation Determination

Within ten (10) school days of any District decision to change the placement of a child with a disability for a violation of the District's code of student conduct, the child's IEP or 504 team will meet to conduct a manifestation determination. The purpose of the manifestation determination is to determine whether the child's behavior is a manifestation of the child's disability.

In making the manifestation determination, the IEP or 504 team will review all relevant information in the child's file, including (a) the IEP or 504 Plan; (b) any teacher observations; and (c) any relevant information provided by the parents. The team will determine:

- (a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- (b) If the conduct in question was the direct result of the District's failure to implement the IEP or 504 Plan.

The team will determine that the conduct is a manifestation of the child's disability if the team determines that either (a) or (b), above, is correct.

If the team determines that the conduct in question was the direct result of the District's failure to implement the IEP or 504 Plan, the District will take immediate steps to remedy those deficiencies.

Special Circumstances

The District may remove a child with a disability to an interim alternative educational setting for up to 45 school days whether or not the behavior is determined to be a manifestation of the child's disability, if the child:

- (a) Carries or possesses a weapon at school, on school premises, or to or at a school function;
- (b) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance at school, on school premises or at a school function; or
- (c) Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

Team Determines that Behavior is a Manifestation of Child's Disability

If the IEP or 504 team determines that the child's behavior was a manifestation of the child's disability, the team will either:

- (a) Seek parent consent to conduct a functional behavior assessment (FBA), unless the District already conducted a FBA before the behavior that resulted in the change of placement occurred and the team determines that further FBA is unnecessary,

and develop and implement a behavior intervention plan (BIP) for the child; or

- (b) If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

If the team determines that the behavior is a manifestation of the child's disability, then the District will not implement the disciplinary removal, unless Special Circumstances exist, as discussed above.

Unless Special Circumstances exist, the EP or 504 team will return the child to the placement from which the child was removed, unless the parent and the District agree to a change of placement as part of modifying the child's BIP.

Team Determines that Behaviors Not a Manifestation of Disability

If the EP or 504 team determines that the child's behavior is not a manifestation of the child's disability, then District personnel may apply the relevant disciplinary procedures to that child in the same manner and for the same time period as the procedures would be applied to children without disabilities, subject to the requirement identified below.

Educational Services During Long-Time Disciplinary Removal

During a long-term disciplinary removal, a child with a disability identified under the IDEA will:

- (a) Continue to receive educational services so as to enable the child to continue to progress appropriately in the general education curriculum, although in another setting, and to advance appropriately toward achieving the goals set out in the child's IEP; and
- (b) Receive, as appropriate, a FBA and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The child's IEP team will determine appropriate services and the location in which services will be provided. These services may be provided in an interim alternative educational setting determined by the IEP team.

During a long-term disciplinary removal, a child with a disability identified only under Section 504 will receive educational services to the same extent that a child without disabilities would receive educational services during a disciplinary removal for the same offense.

Appeal to Hearing Officer Under the IDEA

The parent of a child eligible for special education and related services under the IDEA who disagrees with any decision regarding placement or the

manifestation determination may appeal the decision by filing a due process hearing complaint seeking an expedited hearing. The District may also appeal the decision if District personnel believe that maintaining the current placement of the child is substantially likely to result in injury to the child or others.

When making the determination, the hearing officer may

- (a) Return the child to the placement from which the child was removed, if the hearing officer determines that the removal violated the IDEA or that the child's behavior was a manifestation of the child's disability; or
- (b) Order a change of placement of the child to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the child's current placement is substantially likely to result in injury to the child or others.

These procedures may be repeated, if the District believes that returning the child to the original placement is substantially likely to result in injury to the child or others.

When either the parent or District requests an appeal to a hearing officer, the child will remain in the interim alternative educational setting pending the hearing officer's decision or until the time period set for the placement expires, whichever occurs first, unless the parent and District agree otherwise.

The District may also seek a court order to remove a child with a disability from school or to change the child's current educational placement if District personnel believe that maintaining the child's current placement is substantially likely to result in injury to the child or others.

Providing Records to Disciplinary Decisionmaker

If the District initiates discipline that would constitute a change of placement for a child with a disability, District personnel will ensure that the child's special education and disciplinary records are provided for consideration to the school personnel making the final determination regarding the disciplinary action.

Discipline Flow Charts

The flowcharts do not exhaust the topic of discipline, but rather give the general sequence of events and timelines associated with the extra measure of due process when considering a student's disability in school discipline procedures.

Start Here: General Considerations {p. 9} - The purpose of this chart is to guide the reader to the appropriate section of the regulations appropriate for the student's status and type of discipline procedure: (p. 10) student not in special education, (p. 11) short-term removal from school when student is receiving special education, and (p. 12) longer term removal (greater than 10 school days) when student is receiving special education.

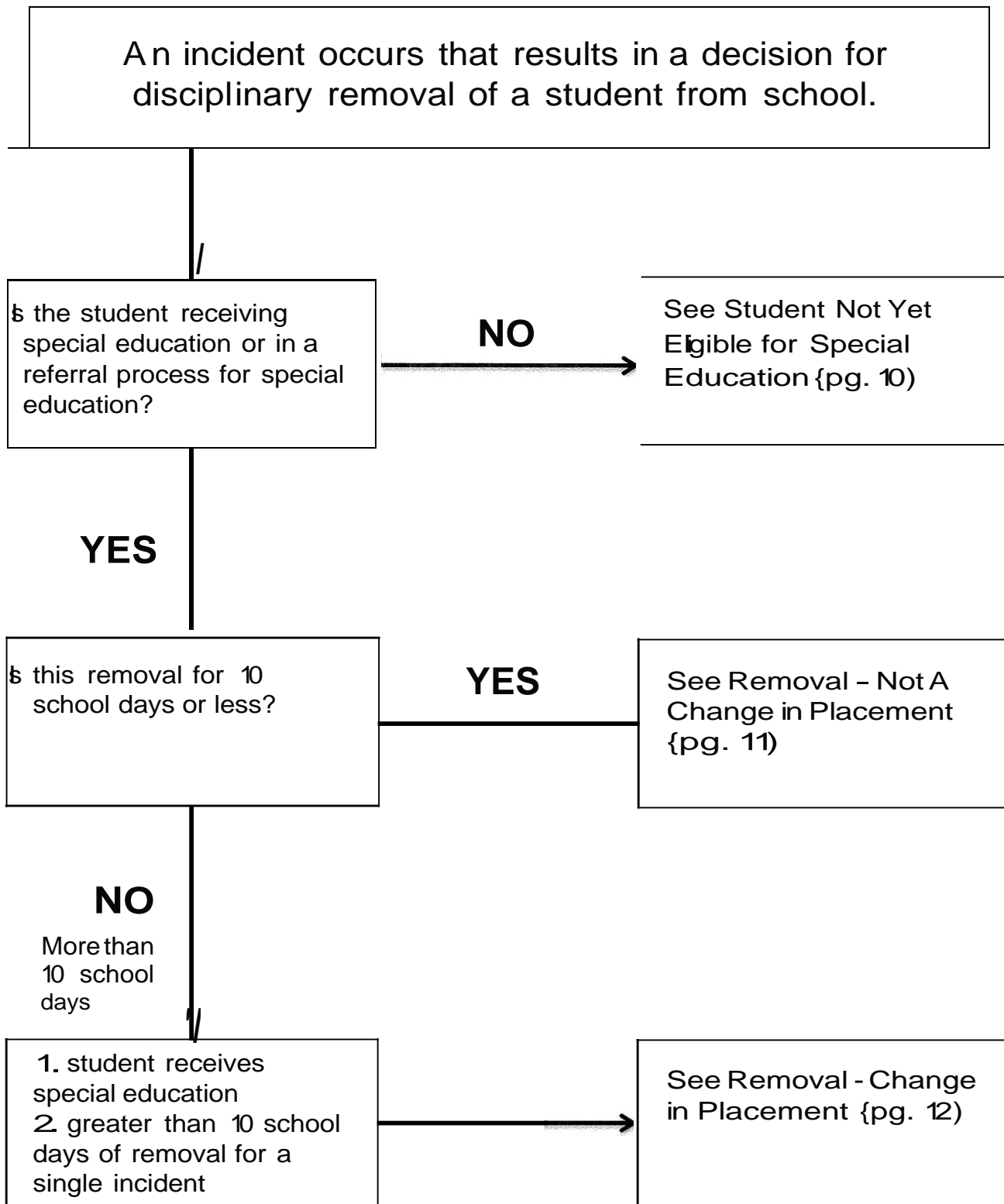
Student Not Eligible for Special Education {p. 10} - When a student is not currently receiving special education, the district is still responsible to consider the existence of "prior knowledge" about a disability.

Removals - Not A Change in Placement {p. 11} - These are defined as a single removal of 10 school days or less. A series of removals in a school year may under the rules may require additional services if accumulating to more than 10 days form the school year, or forming an ongoing pattern of exclusion that may trigger the same procedural rights as a long-term removal (**change of placement**, below).

Removals - Change of Placement {p. 12} - A key concept in the more serious disciplinary exclusions is **change in placement**. Change in placement is a single removal for more than 10 school days or an ongoing pattern of short-term removals. Another key concept is the responsibility of the EP Team to determine the relationship between a disability and the behavior precipitating a disciplinary action. The results of **manifestation determination review** (and other factors such as drugs/weapons/bodily injury) determine whether the student will remain in the **pre-incident placement** or be temporarily placed in an **interim alternative setting**.

Notes {p. 13} - Some boxes in the flowchart are marked with a superscript which refer to explanatory text at the end of the document.

Start Here: General Considerations



Student Not Eligible for Special Education

(Student is not currently referred for a special education evaluation and does not currently receive special education programs/services.)

School sends parent notice of disciplinary action according to school's General Education policy

Is there "**prior knowledge**" of a suspected disability? § 300.534 (b, c)

Prior knowledge exists if:

1. Parent expressed concerns **in writing** to school administrative staff or the student's teacher
2. Parent request for special education evaluation, or an evaluation is otherwise in process prior to incident
3. Teacher or other personnel have expressed concern directly to the Director of Special services or supervisory personnel of the LEA

Prior knowledge does not exist if:

1. The parent has not allowed a special education evaluation
2. The parent has otherwise refused special education services
3. A previous evaluation has found the student to be ineligible

Is parent or other person requesting an evaluation for special education after the incident?

YES

Begin expedited evaluation per district procedures.

NO

Begin expedited evaluation per district procedures.

Parent may assert same protections as for special education eligible students until eligibility is resolved (see other charts).

District implements discipline procedures per general education policy for comparable behaviors, which can include removal without educational services (concurrent with evaluation if requested after the incident).

Removals - Not a Change in Placement

10 or less school days per incident - § 300.530 (b) and student receives special Education or is involved in an initial evaluation for special education

School sends parent notice of disciplinary action according to school's general education policy (consult your local board and administrative policies).

Has student accumulated more than 10 school days of removal in the current school year?

NO, 10 or less days total in the current school year

YES, more than 10 days total in the current school year

District implements school's general education discipline procedures for comparable behaviors. Services are provided, if provided to students without disabilities per LEA policy

Do a series of removals form a pattern of exclusion? On a case- by-case basis, take into account: **NO**

- Recurrence of substantially similar behavior in a series of removals subject to discipline
- Length of each removal
- Total amount of time removed
- Proximity of removals to each other § 300.536

Beginning with the 11th day of accumulated removal in a school year, The student receives services to enable continued participation in the general curriculum and to progress toward EP goals. Services are determined by school personnel in consultation with at least one of the child's teachers. § 300.530 (d) (4)

YES

Use procedures, services for a Change in Placement (p. 12)

Removals - Change in Placement

11 or more days per incident, or pattern of removals constituting a change in placement - § 300.536 and student receives special education or is involved in an initial evaluation for special education

²On the day on which the decision is made to make a removal due to a violation of a code of student conduct, the school provides the student's parent(s) with a copy of the procedural safeguards and other provisions pursuant to a **change of placement**. § 300.530 (h)

³**Within 10 school days** of the decision to change the placement due to a violation of a code of student conduct, the LEA, the parent(s) and relevant members of the EP Team (as determined by the parent(s) and LEA) must determine: *Is the behavior a manifestation of the disability?* § 300.530 (e)

YES. The behavior is manifestation of the disability

NO. The behavior in question **is not** a manifestation of the disability

⁴**Special circumstances:** Did the incident involve: (1) drugs, (2) weapons, or (3) serious bodily injury? [§ 300.530 (g)] Or Does the LEA believe that the student's return to pre-incident placement be substantially likely to result in injury to the student or others?

NO

Return to pre-incident placement:

- General disciplinary removals are terminated .
- The student returns to the placement in the current EP, or other placement determined by the EP Team. (Notes #2)
- The EP Team must either initiate a FBA/BIP, or review an existing FBA/BIP to address the behavior.
- Deficiencies (if any) to implement the previous EP are remedied.

YES

⁵ **The district may use general discipline procedures and place the student in an interim alternative educational setting (IAES). Setting and services are determined by the IEP Team** (see notes). Special Circumstances: Regardless of the manifestation determination outcome, in cases involving drugs/weapons/bodily injury the school may **unilaterally** place the student in an IAES for up to *45 school days* if it is believed that maintaining the student in the current placement is substantially likely to result in injury to the student **or** others

PLACEMENT DURING HEARING PROCESS

APPEAL HEARING

Implement the EP for the interim setting.

A **due process hearing** initiated by:
 (1) the parent, to contest the manifestation determination or AES, **or**
 (2) the LEA, to justify or extend an AES placement made because of substantially likely injury to student or others.

Expedited Due Process Hearing § 300.533

- A resolution session must occur within 7 days of the notice for a hearing
- **An expedited hearing must occur within 20 school days from date of filing a request. When concluded, a determination by the hearing officer must be made within 10 school days.**

During the appeal, the student remains in the interim setting until timelines expire for the interim setting, discipline procedures, or until the hearing officer decision, whichever occurs first, unless the parent the LEA agree otherwise.

NOTES

1. Has student accumulated more than 10 school days of removal in the current school year?

It is important that complete records are maintained on all suspensions and expulsions throughout the school year in a building, for dealing with individual cases and to fulfill end-of-year state/federal reporting requirements. Consult your data management staff for available tracking assistance in the local student management system.

What counts as a day of suspension?

- Any part of a day suspended is a full day
- Actual days removed from school, regardless of any other conditions set by the school. For example, any day (or part of a day) missed by the student **still counts as suspension** when: (1) the student's return is contingent upon a parent meeting, or (2) a parent voluntarily takes a student home by school request.
- Days of school missed because of suspension from special transportation. While the school cannot require parent to provide special transportation, parent transportation may be a mutually agreeable alternative.

What does not count as a day of suspension?

- An in-school suspension would not be considered a part of the days of suspension addressed in § 300.530 as long as the child is afforded the opportunity to continue to appropriately participate in the general curriculum, continue to receive the services specified on the child's IEP, and continue to participate with nondisabled children to the extent they would have in their current placement. (IDEA Regulations, **Federal Register**, Vol. 71, No. 156, Monday, August 14, 2006, p. 46715)
- Nonattendance when general non-IEP transportation privileges are interrupted/terminated.

When are days of suspension in a school year re-set to zero?

- Only at the beginning of the school year. Transfers between districts in the same school year, other types of suspensions, etc. do not reset the days of suspension within a school year.

2. On the day on which the decision is made to make a removal due to a violation of a code of student conduct, the school provides parent a copy of the procedural safeguards and other provisions pursuant to a change of placement.

A key concept in discipline procedures is that a removal to an interim alternative setting for more than 10 consecutive days is a **change in placement**, triggering the same procedural safeguards for IEP Team meetings, notice, etc. as for non-disciplinary changes in placement. Also note that notice is due "On the day a decision is made" to make a change in placement.

Special education services [§300.530(d) (5)] and the interim setting (§300.531) in a disciplinary case are specified before implementation in an EP. If a dispute arises, however, there is a key difference between non-disciplinary and disciplinary cases. During due process dispute resolution in a disciplinary case (§500.532), the student's placement while the dispute is being resolved is the **interim setting** for up to 45 school days, or until timelines associated with the disciplinary action or the hearing expire (§300.533). The school may also repeat hearing procedures to extend the interim setting beyond 45 school days. This is in contrast to non-discipline cases, in which the student's placement during dispute resolution for a proposed EP is the setting in the last agreed-upon ("pendant") EP (§300.518) (See Continuum of Placement Chart)

3. Within 10 school days of the decision to change the placement due to a violation of a code of student conduct, the LEA, the parent and relevant members of the IEP Team {as determined by the parent and LEA} must determine: *Is the behavior a manifestation of the disability?* §300.530(e)

This box refers to an EP Team meeting (with the LEA, parent and relevant members of the EP Team) held within **10 school days** of any decision to change the placement (single disciplinary removal of more than 10 school days, or pattern of removal) of a child with a disability because of a violation of a code of student conduct. (§300.530(e)). The Team considers the relationship between the behavior in question and the student's disability.

The behavior is determined to be a manifestation of the disability **only if** there is a documented:

- A. EP Team review of: (1) the EP; (2) any teacher observations; and (3) relevant information supplied by the parent.
- B. Determination that **either of the following is true** :
 - 1. The conduct in question was caused by, or had a direct and substantial relationship to the student's disability ; **or**
 - 2. The conduct in question was the direct result of the LEA's failure to implement the EP.

4. Special circumstances: Did the incident involve: (1) drugs, (2) weapons, or (3) serious bodily injury? Or does the LEA believe that return to pre-incident placement be substantially likely to result in injury to the student or others?

Drugs: Violations involving drugs refer to when a student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a SEA or a LEA.

Weapons: The term dangerous weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for,

or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

The Federal definition of "firearm" refers to the definition in the federal **Gun-Free Schools Act of 1994** which in turn refers to another section of federal law which defines "firearm" as: Any weapon (including a starter gun) which will or is designed or may readily be converted to expel a projectile by the action of an explosive; The frame or receiver of any such weapon; Any firearm muffler or firearm silencer; or Any destructive device.

Serious Bodily Injury: The term "serious bodily injury" is defined in Section 1365(h)(3) of Title 18, U.S. Code, to mean a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. [615(k)(7)(D)].

Other cases: In other cases, if the LEA believes that returning the student to the pre-incident placement will likely result in **injury to the student or others**, the district may seek a court injunction or hearing officer decision to unilaterally place the student in an IAES.

5. The district may use general discipline procedures and unilaterally place the student in an interim alternative educational setting (IAES). Services are determined by the IEP Team.

The IEP Team determines services in an interim setting during a disciplinary removal which must:

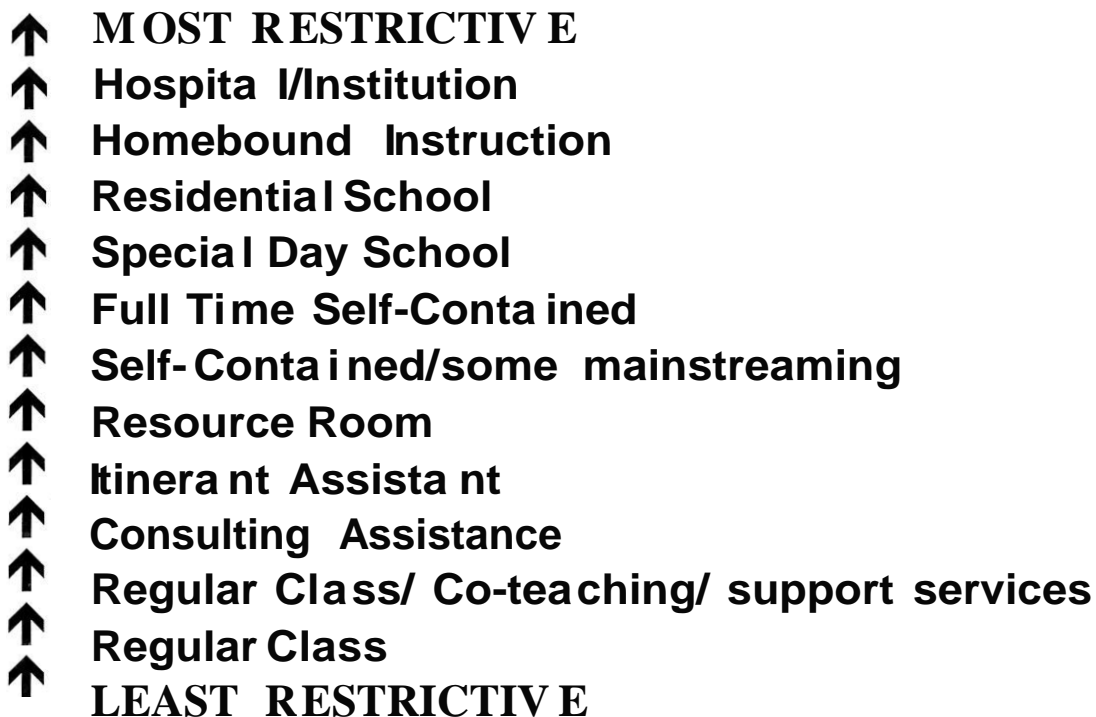
(1) Enable the child to continue to:

- participate in the general education curriculum, although in another setting
- to progress toward meeting the goals set out in the child's IEP
- appropriately progress in the general curriculum
- advance toward IEP goals; and;

(2) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. [300.530(d)]

Continuum of Placement and LRE Test

When changing the student's placement to a more restrictive placement, must consider least restrictive environment. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature and severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.



LRE Test

Two-Part Analysis:

- Determines whether education in a regular classroom, with the use of supplemental aids and services, can be achieved satisfactorily.
- Determines if the school district has mainstreamed the child to the maximum extent appropriate. (non-exhaustive list)
 1. Steps the school district has taken to accommodate the child in the regular classroom, including the consideration of a continuum of placement and support services;
 2. Comparison of the academic benefits the child will receive in the regular classroom with those she will receive in the special education classroom;
 3. The child's overall educational experience in the regular education, including non-academic benefits;
 4. . The effect on the regular classroom of the disabled child's presence in that classroom .

T.W. v. Unified Sch. Dist. No. 259, 43 IDELR, (10th Cir. 2005)(unpublished disposition).

Functional Behavior Assessment Interview/Information

The Functional Behavior Assessment (FBA) examines the content, pattern, and function of the student's behavior and leads to an effective Behavior Intervention and Support Plan (BISP).

**This form may be completed (using computer or ink) by a school team familiar with the student.*

Name: _____ **Student ID:** _____ **Date:** _____

DOB: _____ **Age:** _____ **Grade:** _____ **Building/Site:** _____

Form completed by: _____ **Date of last IEP:** _____

Responder(s): _____

Information collected through:

- Record Review Teacher interview(s) Student interview Parent interview
 Behavior Rating Scale(s) Direct observation Other _____

Specifically describe the behavior that most impedes the student's learning or that of others. Safety issues should always be addressed. What does the behavior look like and/or sound like? (Example: Physically aggressive behavior that includes unchaining, slapping, kicking and hitting at others.

Target behavior:

With what frequency, intensity, and duration does this behavior occur?

Frequency (How often does behavior occur?)	Intensity (How severe is the behavior?)	Duration (How long does the behavior last?)
_____ times per <input type="checkbox"/> minute <input type="checkbox"/> hour <input type="checkbox"/> day <input type="checkbox"/> week	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 Low High (severity)	_____ seconds (amount) <input type="checkbox"/> minutes <input type="checkbox"/> hours

Other: _____

Notes:

Tip: Measure the target behavior tracking the frequency, intensity and/or duration prior to implementing the BISP in order to obtain an average measurement that provides a baseline. The BISP will track the target behavior in the same way(s) as it was tracked for this FBA. It is sometimes helpful to track a behavior using more than one method of measurement. For example, to track progress in decreasing tantrum behaviors, a team may track frequency of tantrums as well as their intensity and duration.

ANTECEDENTS

Describe the circumstances that are typically present BEFORE the behavior occurs.

1. What behavior(s) does the child display indicating s/he may engage in this behavior (i.e., cursing, pencil tapping, pacing)?

Tip: In the BISP, identify these pre-cursor behaviors and include what should be done at this behavioral level to address the situation in order to intervene as early as possible to prevent the target behavior from occurring or lessen the severity/intensity of the target behavior. Interventions to prevent or lessen the severity of the target behavior should be considered as potential interventions in the "Prevention" section of the BISP.

2. Where does the behavior occur? Indicate, for each area, whether the target behavior often, rarely or never occurs in that location.

Location	Often	Rarely	Never	Comments
Classroom				
Hallways				
Cafeteria				
Bus				
Library				
Bathrooms				
Playground/Outdoor areas				
Other				

Tip: For those settings where the behavior often occurs, think about what common triggers might be involved. For those settings where the behavior rarely or never occurs, think about why the behavior is more controlled in those settings: Is there any way to bring those controlling factors into the settings where the behavior tends to occur, thereby preventing or reducing the occurrence of the target behavior? These types of interventions should be considered as potential interventions in the "Prevention" section of the BISP.

3. Who is typically present and/or involved when the student displays this behavior?

	Comments
<input type="checkbox"/> Teacher	
<input type="checkbox"/> Peer(s)	
<input type="checkbox"/> Paraprofessional	
<input type="checkbox"/> School Support Staff	
<input type="checkbox"/> Counselor	
<input type="checkbox"/> Administrator	
<input type="checkbox"/> Other	

Tip: Look for patterns in the persons or the behaviors of those persons typically present and/or involved. Are changes and/or supports needed to deter the target behavior or to provide support to the others involved? These types of interventions should be considered as potential interventions in the "Prevention" section of the BISP.

4. When does the behavior occur? (Is there a pattern in the time of day, day of week, type of activity, etc. when the behavior typically occurs?) Briefly describe:

Tip: If a pattern is noted, how might the BISP address that effectively? For example, if the behavior tends to occur most often mid-morning, is it possible that the student is hungry? If the behavior tends to occur most often right after lunch, is a more relaxing transition period needed prior to beginning work? These types of interventions should be considered as potential interventions in the "Prevention" section of the BISP.

5. How is the behavior triggered and/or escalated?

- Lack of social attention
- Demand/Request
- Difficult Task
- Consequences imposed for negative behavior
- Independent seat work
- Transitions
- Group Instruction
- Crowded seating
- Peer attention
- Adult attention
- Other: _____
- Negative social interaction
- Interruption in routine
- Unstructured activity

Tip: For any items checked, think about what supports might be provided to prevent the misbehavior from occurring (including the teaching of new behavior responses). These types of interventions should be considered as potential interventions in the "Prevention" section of the BISP.

CONSEQUENCES

Describe what happens immediately AFTER the behavior occurs. (What typically happens immediately after the behavior occurs?)

- Behavior ignored
- Redirection by teacher
- Reprimand/Warning
- Loss of privileges. Which privileges? _____
- Time-out away from the classroom. Where? _____
- Attention (positive or negative) from others _____
- Other (explain): _____
- Time-out in the classroom
- Communication with home
- Office referral
- In-school suspension
- Out of school suspension
- Seclusion / Restraint

Tip: Ask how effective the consequences have been in changing the target behavior. If the same consequences have been used repeatedly without a change in the target behavior ask, "Could this consequence be reinforcing the target behavior instead of punishing it?"

HYPOTHESIS DEVELOPMENT

Based on the information gathered and summarized, what function(s) does the identified behavior seem to serve for the student?

When the student shows the target behavior, the student seems to need:

To escape or avoid...	To get or obtain...
<input type="checkbox"/> A demand or request _____	<input type="checkbox"/> A desired item or activity _____
<input type="checkbox"/> An activity or task _____	<input type="checkbox"/> Adult attention _____
<input type="checkbox"/> A person or persons _____	<input type="checkbox"/> Peer attention _____
<input type="checkbox"/> The classroom setting _____	<input type="checkbox"/> Control _____
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

And/Or to communicate feelings:

Hypothesis Statement

Based on the information collected in this FBA, complete the following:

When _____
(Contributing antecedents or conditions from student information section)

(student's first name) will _____
(Describe the target behavior – what does it look like / sound like?)

in order to _____
(Consequences that serve as a "pay off" for the behavior) Therefore,

the function of the behavior is to (check the one(s) that apply):

ESCAPE/AVOID: _____

D GAIN/OBTAIN: _____

COMMUNICATE: _____

Student Information for Behavior Intervention Planning Purposes

What interventions and/or strategies are currently being used or have previously been used to address the behavior and how has the student responded? (Provide behavioral data to support)

Provide a summary of the student's strengths (personal, behavioral or academic).

List any rewards, reinforcements, or incentives that work with the student:

Additional Comments:

FUNCTIONAL BEHAVIOR ASSESSMENT ADDITIONAL STUDENT INFO

Identify additional areas and information that may play a role in this behavior.

Emotional factors:

Identify emotional factors (anxiety, depression, anger, poor self concept, etc.) that may play a role in the behavior.

Inaccurate Thought Patterns:

Identify distorted thoughts, inaccurate attributions, negative self-statements, erroneous interpretation of events that may play a role in the behavior.

Reinforcement:

Identify environmental triggers and payoffs that may play a role in the behavior. Is there anything in the environment or any consequences that may be reinforcing the behavior?

Modeling:

Identify the degree to which the behavior is copied, who the student models with this behavior and why the student may be copying the behavior.

Family Issues:

Identify family issues that may play a part in the behavior.

Curriculum/Instruction Issues:

Identify how instruction, curriculum, or educational environment plays a part in organizing and directing behavior.

Current instructional level:

Reading _____ Math _____

Ways instruction, curriculum or the educational environment may play a part in organizing and directing behavior:

Discipline Referrals:

Summarize discipline data (classroom and office-managed referrals):

Summarize results of past assessments (behavioral and academic):

Brainstorm what might be needed to address needs and issues identified in this section?

Behavior Intervention and Support Plan (BISP)

TO BE COMPLETED BY THE TEAM: Using the Functional Behavior Assessment (FBA), determine the appropriate behavior goal and specific strategies for interventions to improve behavior and achievement. The Behavior Intervention and Support Plan (BISP) must address the function, or purpose of the student's behavior (as identified in the FBA). It is expected that the student and parent(s)/guardian(s) will participate in the development of the BISP if possible and appropriate.

SUMMARY OF RELEVANT INFORMATION FROM FBA:

Include immediate trigger antecedents, setting events, typical consequences and relevant student history.

HYPOTHESIS STATEMENT:

Refer to the hypothesis statement included in the FBA.

When _____
(Contributing antecedents/consequences or conditions from student information section)

(student's first name) will _____
(Describe the target behavior - what does it look like / sound like?)

in order to _____
(Consequences that serve as a "pay off" for the behavior)

Therefore, the function of the behavior is to (check the one(s) that apply):

ESCAPE/AVOID: _____

GAIN/OBTAIN: _____

COMMUNICATE _____ BASELINE

DATA:

With what frequency, intensity, and duration does this behavior occur?

Frequency <small>(How often does behavior occur?)</small>	Intensity <small>(How severe is the behavior?)</small>	Duration <small>(How long does the behavior last?)</small>
_____ times per _____ _____ minute _____ hour _____ day _____ week	0 1 2 3 4 5 _____ Low _____ High <small>(severity)</small>	_____ seconds (amount) _____ minutes _____ hours

Other _____

REPLACEMENT BEHAVIOR/BEHAVIORAL GOAL:

Specify one or more desired/expected behavior(s) (usually the behavior(s) that peers engage in given the same situation). The replacement behavior to be taught and reinforced must be defined in observable and measurable terms.

Example: [The student] will use words to communicate what he wants, doesn't want, and feels. [The student] will interact safely by keeping all body parts to himself

PREVENTION STRATEGIES:

What can be done to prevent the inappropriate behavior from occurring? Refer to the FBA sections: *Antecedents, Student Information Summary (on Full FBA)*. What strategies can be put in place to reduce or eliminate antecedents identified in the FBA? What general support strategies can be put in place (i.e. providing choice, self-monitoring checklist)?

Strategy/ Intervention	Responsible Person(s)	How often?/ When?

TEACHING STRATEGIES:

Based on information from the FBA, what skills need to be taught to increase the occurrence of appropriate behavior (i.e. social skills, conflict resolution, choice-making, appropriate negotiation skills)? Methods and strategies for teaching the replacement behavior(s) should be specified (i.e. prompts, environmental cues, opportunities for practice). Person(s) responsible for teaching the replacement behavior(s) must be designated.

Skills	Methods / Strategies	Responsible Person(s)	How Often?

Skills	Methods / Strategies	Responsible Person(s)	How Often?

REINFORCEMENT STRATEGIES:

What incentives can be used to reinforce the appropriate behavior? Refer to the FBA section: *Student Information for Behavior Intervention Planning Process*.

Potential Incentives (does not exclude other incentives that may be used)	How will the student earn incentives?

RESPONSE/CONSEQUENCE STRATEGIES:

What can staff, parents and the student do in response to the inappropriate behavior (i.e., timeout, loss of privilege, home contact)? Refer to the FBA to ensure the consequence fits the function of the behavior. For example, if the behavior is for the purpose of gaining adult attention, the response/consequence should limit access to adult attention.

CRISIS PLAN (IF NEEDED):

Specify 1) de-escalation strategies, 2) guidelines and procedures for removal/restraint, and 3) procedures for documentation and debriefing.

EVALUATION OF INTERVENTION(S): How will the effectiveness of the intervention be measured (i.e. Will data be taken on the frequency, intensity, and or duration of appropriate or inappropriate behavior? Who will be responsible for collecting the data? How often will it be collected?)

Signatures of Team:

Parent= _____

Student: _____

Special Education **Teacher:** _____

General Education **Teacher:** _____

Administrator: _____

School **Psychologist:** _____

Other= _____

Other= _____

Other= _____

541.2 **SECTION 504/Title II Procedure Manual(Approved 8-08-16)**

Special Note

The U.S. Department of Education's Office for Civil Rights (OCR) has jurisdiction over Section 504. Its primary responsibilities include investigating complaints, conducting compliance reviews, and providing technical assistance. These materials serve as guidance only and should not replace legal advice. These guidelines might not reflect the opinion of the Office for Civil Rights and/or current court cases. Civil Rights laws and regulations change periodically and will change interpretations of various rules and regulations. Always check with your school (district) legal counsel regarding specific policies and procedures. The national OCR office is located at

U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
(800) 421-3481, TTD (877) 521-2172
Website: <http://www.ed.gov/about/offices/list/ocr/index.html>

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Part I

Section 504: An Overview

What is Section 504?

Section 504 is a federal civil rights law under the Rehabilitation Act of 1973. It provides protection against discrimination for individuals with disabilities. Students in school settings fall under the civil rights protection of Section 504. Section 504 guarantees the right to full participation and access to a free appropriate public education (FAPE) with enforcement being from the Office for Civil Rights (OCR). If OCR is unable to achieve voluntary compliance, they may initiate proceedings to terminate federal funding or refer the case to the Department of Justice for judicial proceedings. The law prohibits discrimination on the basis of disability from all school programs and activities in both public and private schools receiving direct or indirect federal funding. Section 504 is designed to provide equal access and fairness in general education to students with disabilities, through what is known as a Section 504 Accommodation Plan or an Individual Education Program (IEP). It is not a plan designed to enhance a student's performance, but rather a way to provide fairness and equal access to education. Section 504 requires the provision of FAPE for students who are identified as having a disability.

Who is Eligible under Section 504?

A student may be considered eligible under Section 504 regulations if they meet any one of the three "prongs" of eligibility listed in the law. These are:

1. Has a physical or mental impairment which substantially limits one or more major life activities,
2. Has a record of such an impairment, or
3. Is regarded as having such impairment.

The prong under which a student is eligible will assist in determining which of the Section 504 protections are extended to the student. For example, the second or third prongs tend to become a factor if discrimination or negative action has occurred

toward the student.

What does Section 504 consider to be a physical or mental impairment ?

Section 504 defines a physical or mental impairment as 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 any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

What does Section 504 consider to be a major life activity?

Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Other major life activities include eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

In the definition section of the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), Congress indicated that "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." Schools

that merely look at the major life activities, while ignoring major bodily functions do so at their own risk.

What does it mean for an impairment to substantially limit a major life activity?

Section 504 esoterically does not provide an operational definition of substantial limitation, but instead allows each local education agency (LEA) to make its own determination of what this phrase means. Section 504 simply "requires that a group of knowledgeable persons draw upon information from a variety of services in making this determination." However, the ADAAA (effective May 24, 2011) indicates that an impairment is a disability if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population.

One other significant change that is a result of the ADAAA addresses the impact of mitigating factors. The rule provides that "the determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures." In short, students are disabled under Section 504 if they have a physical or mental impairment that WOULD substantially limit them in a major life activity IF THEY ARE NOT taking advantage of the mitigating measure (e.g., medication).

Defining Discrimination under Section 504

Section 504 defines discrimination as: "No qualified person with a disability shall, on the basis of disability, be excluded from participation in, being denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives federal financial assistance."

Discrimination under Section 504 would occur when a school system engages in any of the following practices:

"Denying a qualified person with a disability the opportunity to participate in or benefit from the aids, benefits, or services that are afforded students without disabilities."

Examples could include:

- Denying credit to a student whose excused absenteeism is related to his/her disability
- Giving a student grades of zero for work missed as a result of absences related to his/her disability
- Expelling a student and denying access to services for behavior caused by his/her disability

"Denying qualified persons with disabilities the opportunity to participate as a member of a planning or advisory board because of their disabilities."

Examples may include:

- Excluding a student with a seizure disorder from participating on student council
- Excluding a blind student from running for class president due to his/her disability

"Otherwise limiting a qualified person with a disability from the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others."

Examples may include:

- Prohibiting a student with a disability from going on a field trip
- Excluding a deaf student from trying out for the school basketball team solely due to his disability

The above section only includes some of the areas of possible discrimination regarding Section 504 students. The OCR has updated a frequently asked questions document which provides useful

information about 504 discrimination and many other topics. This document is available in Appendix A or at <http://www.ed.gov/about/offices/list/ocr/504faq.html>

What is considered an evaluation under Section 504?

An evaluation under Section 504 is not necessarily a comprehensive, individual evaluation as required under Individuals with Disabilities Education Act (IDEA). Section 504 evaluations draw upon a variety of sources and may include cumulative record and work sample review; observational data; interviews with student, parent and/or school personnel; and/or administration of formal assessment measures. "Section 504 also requires that tests and other evaluation materials include those tailored to evaluate the specific area of educational need and not those designed to provide a single intelligence quotient."(OCR FAQ Document 2009, Question 18; See Appendix A).

The OCR has opined that, at the elementary and secondary education level, the amount of information required to determine if a student has a disability is determined by a multi-disciplinary team. This team may also be the Rtl/Collaboration Team. The team may decide that a comprehensive psychoeducational evaluation is necessary; however, they may also determine that a simple review of existing data in the cumulative record is sufficient. This team should include persons knowledgeable about the student, interpretation of evaluation data, and the placement options available. It is "unacceptable to rely on presumptions and stereotypes regarding" whether or not a student has a disability.

A physician 's medical diagnosis alone is insufficient to suffice as an evaluation (OCR FAQ Document 2009, Questions 24 & 25). Although a medical diagnosis is one source of data to consider, it is neither required nor sufficient for establishing eligibility under Section 504. The Section 504 team determines whether a medical evaluation is necessary in order to determine eligibility.

Eligibility under Section 504

For the purpose of determining whether a student is in need of Section 504 accommodations, using a problem solving method (e.g., Tiered Intervention) will facilitate the identification of the severity and impact which a disability has on a major life activity. Under Child Find, a school district is obligated to evaluate students who need or are believed to need special education or related services because of a disability. Section 504 eligibility and the need for an accommodation plan are separate determinations.

Mitigating Factors. As a result of the changes from ADAAA, eligibility for Section 504 shall be made without regard to the ameliorative effects of mitigating measures (e.g., medications, medical supplies, prosthetics, etc.). To comply with this rule, the Section 504 team must first identify all mitigating measures currently being used by the student. Once identified, the team must determine how the student's impairment impacts the major life activity at issue in the absence of the mitigating measure. For example, if the student is evaluated to determine whether his juvenile arthritis gives rise to eligibility and the student is medicated (a mitigating measure), the team must determine whether the impairment substantially limits a major life activity after subtracting the positive impact of the medication from the equation. If the student has been educated in school without medication, the team can look to performance data during the unmediated time to help determine the value of the mitigating measure. Obviously, these types of decisions will require the use of professional judgment in most situations. OCR has determined that health plans and emergency plans are actually mitigating measures (North Royalton, Ohio City School District, 52 IDELR 203, OCR, 2009). When a student with a health or emergency plan is evaluated for Section 504 eligibility, the positive effects of the plan must be subtracted to determine whether the student's impairment substantially limits a major life activity.

Federal Laws and their Relationships to Section 504

Americans with Disabilities Act of 1990

The Americans with Disabilities Act of 1990 (ADA) is federal law which provides civil rights protections to all individuals with impairments in our society similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications. One of the major differences between ADA and Section 504 is that Section 504 applies to entities that receive any type of federal funding, but ADA covers most all organizations whether or not they receive federal financial assistance. The ADA does not replace Section 504 but instead seems to expand its protective mandates.

Americans with Disabilities Act Amendments Act of 2008

The Americans with Disabilities Act Amendments Act of 2008 (ADAAA), effective January 1, 2009, amended the meaning of "disability" in ADA. The changes made to ADAAA apply to school students under Section 504. The ADAAA did not change the actual language of the three prongs, but it did change how some of the phrases used on the prongs are understood (e.g., broadened major life activities and addressed mitigating factors).

Individuals with Disabilities Education Act

The Individuals with Disabilities Education Act (IDEA) was initially called the Education for All Handicapped Children Act of 1975. This law defines eligible students as those who have certain specific types of disabilities and who, because of those conditions, need special education (specifically-designed instruction) and related services in order to benefit from their education provided through an Individualized Education Program (IEP). An evaluation is also required to determine if a student meets eligibility for special education, but is typically more comprehensive than is required under Section 504.

Major Differences between IDEA and Section 504

While Congress probably intended Section 504 to be consistent with the Individuals with Disabilities Education Act (IDEA), Section 504 is more encompassing. Section 504 could cover students, parents, employees, and other individuals with impairments. The Section 504 definition of an impairment is much broader, including any physical or mental disability that substantially limits one or more major life activities, including but not limited to, learning. For public schools, Section 504 covers all students who meet this definition, even if they do not fall within an IDEA disability category. Students who qualify for Section 504 services do not automatically qualify for special education under IDEA. The identification for Section 504 services must be based upon evaluations and conducted by a team of individuals knowledgeable about the student. Students who qualify for Section 504 may require accommodations through a Section 504

Accommodation s Plan developed by the school's 504 Team.

Please see Appendix K for a detailed chart of the major differences.

Part II

PROCEDURES FOR SECTION 504 IMPLEMENTATION

Procedures

Student Referrals

The Response to Intervention/Collaboration Team (Rtl/CT) is the process used by the Sapulpa Public Schools to refer and identify students who require Section 504 support. It should be emphasized that the Rtl/CT is a general education function. Section 504 referrals to the District Rtl/CT are typically made by the student's teacher or parent/guardian through a SMART Referral Form. (Appendix C)

When properly implemented, the Rtl/CT (especially a Tier 3 or the problem-solving method) framework addresses the needs of all students and ensures that students with disabilities are identified and given appropriate support. Although the end goal of Rtl/CT is not eligibility and placement but improved student outcomes, Rtl/CT helps identify students who may have a disability.

As noted in the Overview of Section 504, Section 504 is designed to provide equal access and fairness in general education to students with disabilities. It is not a plan designed to enhance a student's performance, but rather a way to provide fairness and equal access to education. Therefore, a student may not need to be in the Rtl/CT process to be referred for a Section 504 Accommodation Plan.

However, the Rtl/CT team is responsible for completing the 504 Eligibility Determination form (See Appendix I) and providing the parent with the Student Information Form (Appendix D) to be completed by the parent and Medical Report (Appendix E) to be completed by a physician or licensed clinical psychologist. The Section 504 Building Coordinator should be in attendance at the Rtl/CT meetings if a referral is made, or be notified of the referral within 5 school days.

Situations that may result in consideration of Section 504 services include the following:

- When a teacher or parent initiates a request
- When a disability is suspected (i.e., Child Find law)
- When a student exhibits a chronic health condition
- When a student manifests persistent academic, learning, or behavioral

problems and RtI/CT interventions have been ineffective

- When a student is evaluated but not eligible for Special Education services

Evaluation

One of the primary functions of the District Level RtI/CT when considering whether to refer a student for an evaluation (504 and/or Special Education) is to determine if there is a reasonable suspicion that the student has a disability. This process (SMART referral-Appendix B) is accomplished by a thorough examination of data (e.g., documentation of research or evidence-based intervention effectiveness, review of medical information, etc.). If documentation exists that leads the team to suspect that the child meets the definition of an "individual with a disability" under Section 504, the team (as defined in Roles and Responsibilities) need to convene an eligibility meeting and complete the Section 504 Eligibility

forms. If no such documentation exists, or if the team determines that further testing is necessary to rule out the existence of a disability as defined in IDEA, the student will proceed through the Tier 2 process which may result in a multidisciplinary evaluation. If the child qualifies for services under IDEA, a 504 plan is not necessary. If the child does not qualify under IDEA, the team must proceed with determining eligibility for a Section 504.

If the RtI/CT determines that referral for an evaluation is appropriate, they will provide the parent/guardian with:

- Parent Consent for Evaluation. See Appendix F for Section 504 Consent;
- Section 504 Information and Procedural Safeguards (Appendix G)
- If the team decides on a "504 only" type of referral, they will need to decide on, and indicate, what specific information will be required in order to determine eligibility (e.g., if psychological testing is needed.)

If an evaluation is determined by the RtI/CT to be inappropriate and the parent is making the request for evaluation, the parent must be given:

- A written explanation of the team's decision
- Notice of Rights and Procedural Safeguards

Eligibility

The 504 Eligibility Team is a multi-disciplinary team which includes persons knowledgeable about the referred student, interpretation of evaluation data, and the placement options which are available. This team will include, at a minimum, the Section 504 Building Coordinator, the student's teacher/s and the parent(s) or guardian(s) (See Appendix H for Notification of Meeting-Section 504/Title II) of the student. However, the meeting can proceed without parents/guardians as long as they were invited to participate and have not requested a change in the date or time of the meeting. The student also should be invited if he/she is in high school. Other professionals may also be invited to the eligibility meeting (e.g. school psychologists, school counselors, school nurses, etc.) if the Section 504 Building Coordinator determines there is a need for their presence.

The 504 Eligibility Team has the task of first determining whether the referred student has a physical or mental impairment that substantially limits one or more major life activities.

- If the answer is NO, the eligibility process stops and the student should be referred back to the tiered interventions of the RtI/CT process. The parents or guardians are then given a copy of the meeting results.
- If the answer is YES, the student is eligible for the nondiscrimination protections

of Section 504, together with manifestation determination, procedural safeguards and periodic reevaluations.

Next, the team will have to determine whether the student needs a 504 accommodation plan.

- If the answer is YES, then the team will develop an appropriate plan.
- If the answer is NO, the process stops here.

The Eligibility Determination forms (See Appendix I) will guide the team in understanding what the impairment is as well as how to examine the impairment's impact on the individual's ability to function in the school setting. Specific instructions are provided on the forms which instruct you on whether or not to proceed with the eligibility.

Accommodation Plans

If a student is found to be in need of a Section 504/Title II Plan (See Appendix I), the plan developed by the review committee is based upon the individual student's educational needs and least restrictive environment considerations. The plan will document the committee's decisions and will include the date, student information, accommodations and services, and signatures and recommendations of members present at the meeting. A copy of the plan will be made available to appropriate school personnel. The plan will be filed and maintained in each student's educational records. A non-exhaustive list of accommodations can be found in the Appendix J.

At any time, an amendment meeting may be held to make changes to a student's Accommodation Plan. The meeting may be called by the parent, or the teacher, or another individual directly involved with the child's academic program.

Annual Reviews

All Section 504 students will have an annual review in order to update information and accommodations if necessary. Students that are transitioning to the next level (middle, junior and high school) should always have a review in the spring before they transition up. These meetings will be conducted by the Section 504 Building Coordinator. Participants in these meetings will be similar to those of the 504 Eligibility Team.

Periodic Re-evaluation

Once a student is identified as eligible under Section 504, a periodic re-evaluation is required. OCR has indicated that these may be conducted in accordance with the IDEA regulations, which require a triennial re-evaluation. (See questions 29 and 30 in Appendix A)

Re-evaluation would consist of a review of the accommodation plan and current data on performance, which may include grades and assessment information. Re-evaluation under Section 504 does not require a comprehensive evaluation; however, the 504 Team determines if any additional information is required. The primary functions of the re-evaluation are to determine whether the student continues to be eligible for Section 504 services and to determine if the current plan is appropriate or needs to be modified.

Re-evaluations are also required before any significant change in placement occurs,

such as expulsion, a pattern of suspensions that exceed 10 days in a school year, and any other significant change in the delivery of educational accommodations or services specified in the 504 plan. More about this will be discussed in the following section on discipline.

As with annual reviews, re-evaluations will be conducted by the Section 504 Building Coordinator. Participants in re-evaluations will be similar to those of the 504 Eligibility Team.

Roles and Responsibilities

The collaboration of all stakeholders provides the greatest opportunity for the 504 process to be successful.

District Section 504 Coordinator

The District Coordinator's primary responsibility is to coordinate the school district's efforts to comply with the law and general provisions of Section 504.

The District Coordinator has the following responsibilities:

- Establishes and monitors the district's Section 504 referral/identification/review process
- Maintains data on Section 504 referrals
- Conducts staff training activities concerning Section 504 requirements
- Implements and monitors Section 504 grievance procedures for the district
- Consults with school staff on medical issues related to 504 students

Building Section 504 Coordinator (School Counselor)

The Building Section 504 Coordinator's (School Counselor) role includes:

- Lead in the eligibility determination process
- Assist staff in understanding how to conduct nondiscriminatory practices in the school setting
- Ensure that students with 504 plans receive the appropriate accommodations during testing (e.g., OCCT, ACT, etc.)
- Ensure that students' 504 information accompanies them when they transition to another school
- Assist in distributing 504 plans to the appropriate staff in the school
- Serve as consultants to staff and parents regarding the needs of Section 504 students

Teachers

The teacher's role includes:

- Conduct nondiscriminatory practices in the classroom
- Refer students as appropriate
- Implement identified Section 504 accommodations when appropriate
- Participate in the Section 504 eligibility determination process and annual review meetings when requested

School Psychologists

The School Psychologist's role includes:

- Assist the Section 504 Building Coordinator in conducting appropriate

evaluations of Section 504 students

- Serve as a consultant to the school and parents regarding best practices for Section 504 students
- Assist in the eligibility determination process, especially in helping to determine appropriate accommodations, as needed
- May assist in training of school staff regarding Section 504

Parents

The Parent's role includes:

- Share concerns about their child with the school early
- Participate in Section 504 meetings and assist in the eligibility process
- Help determine appropriate accommodations for their child

Part III

Discipline (taken from the Sapulpa Public Schools Discipline Procedure Manual)

Discipline

This section offers guidance on the trends in disciplinary cases and complaint resolution pertaining to students with disabilities. It is a general guide for school personnel concerned with discipline issues and students with disabilities protected by Section 504 and the ADA. Due to the lack of explicit guidance from the OCR, the following compilation is a review of the literature and practices regarding trends in the discipline of students with disabilities. Note that the discipline of a student with a disability should be determined on a case-by-case basis. Individual cases and situations should be considered on their own merit, and individual circumstances considered in all situations. Of primary importance under Section 504 is that students with disabilities cannot be denied services based solely on their disabilities.

Disciplinary Removal Days

District personnel will keep track of the number of disciplinary removal days for each child with a disability during each school year. For disciplinary removals that are less than a full school day in length, District personnel will keep track of the number of school hours of removal.

Change of Placement

When a proposed disciplinary removal would constitute a change of placement for a child with a disability, District personnel will follow the process identified in this policy.

By law, a change of placement for a child with a disability occurs when (a) the disciplinary removal is for more than ten (10) consecutive school days during the school year; or (b) the child has been subject to a series of disciplinary removals during the school year that constitutes a pattern.

When reviewing a series of disciplinary removals to determine whether a pattern exists, District personnel will consider the following factors:

- (a) The series of removals total more than ten (10) school days in a school year;
- (b) The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
- (c) Such additional factors as the length of each removal, the total amount of time the child has been removed and the proximity of the removals to one another.

Case-by-Case Determination

District personnel shall consider any unique circumstances on a case-by-case basis when determining whether a change of placement is appropriate for a child with a disability who has violated the District's code of student conduct.

Short-Term Disciplinary Removal

District personnel may remove a child with a disability who has violated the District's code of student conduct from the child's current placement to (a) an appropriate interim alternative educational setting; (b) another setting; or (c) suspension, for not more than ten (10) consecutive school days. This removal is not a change of placement.

In addition, District personnel may subject the child to additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct as long as those additional removals do not constitute a change of placement.

Educational Services During Short-Term Disciplinary Removal

During removals for ten (10) school days or less during the school year, the District will provide a child with a disability the same level of services it provides to children without disabilities.

After the District has removed a child with a disability from the child's current placement for ten (10) school days during a school year, if the District imposes another disciplinary removal of ten (10) consecutive school days or less and determines that that removal is not a change of placement, then District personnel, in consultation with the child's special education teacher, will determine the extent to which the child needs services during that removal. In making this decision, District personnel will consider whether services are needed to enable the child (a) to continue to appropriately progress in the general curriculum, although in another setting, and (b) to advance appropriately toward meeting the goals set out in the child's Section 504 Plan. The District will provide whatever services the group determines necessary during the removal.

Notice to Parent

When the District imposes a disciplinary removal for a child with a disability that constitutes a change of placement, the District will immediately take certain actions.

On the day it makes the decision to impose a disciplinary removal that constitutes a change of placement, District personnel will notify the child's parent of the decision and provide the parent a copy of the appropriate Section 504 procedural safeguards.

Making a Manifestation Determination

Within ten (10) school days of any District decision to change the placement of a child with a disability for a violation of the District's code of student conduct, the child's 504 team will meet to conduct a manifestation determination. The purpose of the manifestation determination is to determine whether the child's behavior is a manifestation of the child's disability.

In making the manifestation determination, 504 team will review all relevant information in the child's file, including (a) 504 Plan; (b) any teacher observations; and (c) any relevant information provided by the parents. The team will determine:

(a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(b) If the conduct in question was the direct result of the District's failure to implement the 504 Plan.

The team will determine that the conduct is a manifestation of the child's disability if the team determines that either (a) or (b), above, is correct.

If the team determines that the conduct in question was the direct result of the District's failure to implement the 504 Plan, the District will take immediate steps to remedy those deficiencies.

Special Circumstances

The District may remove a child with a disability to an interim alternative educational setting for up to 45 school days whether or not the behavior is determined to be a manifestation of the child's disability, if the child:

- (a) Carries or possesses a weapon at school, on school premises, or to or at a school function;
- (b) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance at school, on school premises or at a school function; or
- (c) Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

Team Determines that Behavior is a Manifestation of Child's Disability

If the 504 team determines that the child's behavior was a manifestation of the child's disability, the team will either:

- (a) Seek parent consent to conduct a functional behavior assessment (FBA), unless the District already conducted a FBA before the behavior that resulted in the change of placement occurred and the team determines that further FBA is unnecessary, and develop and implement a behavior intervention plan (BIP) for the child; or
- (b) If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

If the team determines that the behavior is a manifestation of the child's disability, then the District will not implement the disciplinary removal, unless Special Circumstances exist, as discussed above.

Unless Special Circumstances exist, the 504 team will return the child to the placement from which the child was removed, unless the parent and the District agree to a change of placement as part of modifying the child's BIP.

Team Determines that Behavior Is Not a Manifestation of Disability

If the 504 team determines that the child's behavior is not a manifestation of the child's disability, then District personnel may apply the relevant disciplinary procedures to that

child in the same manner and for the same time period as the procedures would be applied to children without disabilities, subject to the requirement identified below.

During a long-term disciplinary removal, a child with a disability identified under the IDEA will:

- (a) Continue to receive educational services so as to enable the child to continue to progress appropriately in the general education curriculum, although in another setting, and to advance appropriately toward achieving the goals set out in the child's IEP; and
- (b) Receive, as appropriate, a FBA and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

During a long-term disciplinary removal, a child with a disability identified only under Section 504 will receive educational services to the same extent that a child without disabilities would receive educational services during a disciplinary removal for the same offense.

Glossary

504 Eligibility Team - is a multi-disciplinary team which includes persons knowledgeable about the referred student, interpretation of evaluation data, and the placement options which are available. The team should include at minimum, the Section 504 Building Coordinator, the referring teacher(s) and the parents/guardians.

Accommodations - means a change in how instruction is given, how the child is expected to respond, how the child participates in class activities or kinds of learning materials and how they are used.

Accommodations provide children with disabilities different ways to access the curriculum so that their disabilities are not barriers to achievement. Children with accommodations are still expected to meet the same grade-level curriculum as their peers without disabilities.

Adaptations - Any adjustments or modifications in environment, instruction, or materials used for learning that enhance the student's performance or allow participation in an activity.

Behavior Intervention Plan (BIP) - A behavior intervention plan is comprised of practical and specific strategies designed to increase or reduce a definable set or pattern of behaviors. These strategies address preventive techniques, teaching replacement behaviors, and how to react to the behavior of concern. The BIP is often developed in conjunction with a functional behavioral assessment (FBA).

Collaboration Team (CT) - District and site-based problem-solving, tiered intervention teams that help students through the referral process.

Disability – means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having an impairment.

Equal Access - Equal opportunity of a qualified person with a disability to participate in or benefit from educational aid, benefits, or services.

Episodic/Remission -An episodic impairment or impairment in remission may be a disability if it substantially limits a major life activity when active.

Free and Appropriate Public Education (FAPE) - The term "free appropriate public education" under Section 504 means special education and related services in the elementary and secondary schools as adequately as the needs of students without disabilities are met and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

Functional Behavioral Assessment (FBA) - Process for determining why a student engages in challenging behavior and how a student's behavior relates to the environment. This type of assessment can provide a 504/Student Support team with useful data in order to design effective behavior intervention plans that assist the student in developing more appropriate behaviors and reducing inappropriate behaviors.

Individual Accommodation Plan - a plan developed to ensure that a child, with a disability pursuant to Section 504 of the Rehabilitation Act of 1973 attending an elementary or secondary educational institution, receives accommodations providing him/her access to the learning environment.

Manifestation Determination - A manifestation determination requires the team to review the possible relationship between a student's disability and the student's behavior that may result in a suspension or expulsion. The team must consider evaluation and diagnostic results, including data gleaned from the FBA, BIP, or behavior contract. The team must also determine if the accommodation plan is appropriate, including if supplementary aids and services were provided, if the outlined behavioral interventions/plan was consistently/reliably implemented as outlined in the 504 plan, and if the student understood his or her behavior and could control the behavior.

Major life activities -means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Mitigating measures -include 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. Other mitigating measures also include the (1) use of assistive technology, (2) reasonable accommodations or auxiliary aids or services; or (3) learned behavioral or adaptive neurological modifications.

Nonacademic and Extracurricular Services and Activities - They include the following services or activities when provided by a district: counseling services, athletics, transportation, health services, recreational activities, referrals to agencies which provide assistance to persons with disabilities, assistance provided by the public agency in making outside employment available, meals, and recess periods.

Office for Civil Rights (OCR) - mission is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. The civil rights laws enforced by OCR extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums that receive U.S. Department of Education funds.

Physical or Mental Impairment -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. 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, tuberculosis, drug addiction, and alcoholism.

Public entity -Any state or local government; any department, agency, special purpose district, or other instrumentality of a State or States or local government.

Reasonable modifications -Under a regulatory provision implementing Title II of the ADA, public entities are required to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Record of such an impairment – means having a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

Regarded as having an impairment -means having a physical or mental impairment that does not substantially limit major life activities but that is treated by public entity as constituting such a limitation; has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or has none of the impairments defined in the definition of physical or mental impairment but is treated by a public entity as having such an impairment.

Section 504 – means section 504 of the Rehabilitation Act of 1973. Section 504 defines a person with a disability as: Any person who has a physical or mental disability, which substantially limits a major life activity or has a record of such disability or is regarded as having such a disability.

SMART Referral - a form to document areas of concern for at-risk students.

Supplementary Aids and Services - Aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with children without disabilities to the maximum extent appropriate.

Temporary Impairments -A temporary impairment is generally not considered a disability unless it is a substantial impairment, taking into account both the expected duration and the degree to which it actually limits a major life activity.

Transitory Impairment – is an impairment with an actual or expected duration of 6 months or less

Transportation- A related service that includes travel to and from school and between schools, travel in and around school buildings, and specialized equipment (such as special; or adapted buses, lifts' and ramps), if required, to provide special transportation for a child with a disability, and it is stipulated in that student's Section 504 Individual Accommodation Plan.

Appendix A

Frequently Asked Questions About Section 504 and the Education of Children with Disabilities

INTERRELATIONSHIP OF IDEA AND SECTION 504

1. What is the jurisdiction of the Office for Civil Rights (OCR), the Office of Special Education and Rehabilitative Services (OSERS) and state departments of education/instruction regarding educational services to students with disabilities?

OCR, a component of the U.S. Department of Education, enforces Section 504 of the Rehabilitation Act of 1973, as amended, (Section 504) a civil rights statute which prohibits discrimination against individuals with disabilities. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), which extends this prohibition against discrimination to the full range of state and local government services, programs, and activities (including public schools) regardless of whether they receive any Federal financial assistance. The Americans with Disabilities Act Amendments Act of 2008 (Amendments Act), effective January 1, 2009, amended the Americans with Disabilities Act of 1990 (ADA) and included a conforming amendment to the Rehabilitation Act of 1973 (Rehabilitation Act) that affects the meaning of disability in Section 504. The standards adopted by the ADA were designed not to restrict the rights or remedies available under Section 504. The Title II regulations applicable to free appropriate public education issues do not provide greater protection than applicable Section 504 regulations. This guidance focuses primarily on Section 504.

Section 504 prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education. Title II prohibits discrimination on the basis of disability by state and local governments. The Office of Special Education and Rehabilitative Services (OSERS), also a component of the U.S. Department of Education, administers the Individuals with Disabilities Education Act (IDEA), a statute which funds special education programs. Each state educational agency is responsible for administering IDEA within the state and distributing the funds for special education programs. IDEA is a grant statute and attaches many specific conditions to the receipt of Federal IDEA funds. Section 504 and

the ADA are antidiscrimination laws and do not provide any type of funding.

2. How does OCR get involved in disability issues within a school district?

OCR receives complaints from parents, students or advocates, conducts agency initiated compliance reviews, and provides technical assistance to school districts, parents or advocates.

3. Where can a school district, parent, or student get information on Section 504 or find out information about OCR's interpretation of Section 504 and Title II?

OCR provides technical assistance to school districts, parents, and students upon request. Additionally, regulations and publicly issued policy guidance is available on OCR's website, at

<http://www.ed.gov/policy/rights/guid/ocr/disability.html>.

4. What services are available for students with disabilities under Section 504?

Section 504 requires recipients to provide to students with disabilities appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met. An appropriate education for a student with a disability under the Section 504 regulations could consist of education in regular classrooms, education in regular classes with supplementary services, and/or special education and related services.

5. Does OCR examine individual placement or other educational decisions for students with disabilities?

Except in extraordinary circumstances, OCR does not review the result of individual placement or other educational decisions so long as the school district complies with the procedural requirements of Section 504 relating to identification and location of students with disabilities, evaluation of such students, and due process. Accordingly, OCR generally will not evaluate the content of a Section 504 plan or of an individualized education program (IEP); rather, any disagreement can be resolved through a due process hearing. The hearing would be conducted under Section 504 or the IDEA, whichever is applicable.

OCR will examine procedures by which school districts identify and evaluate students with disabilities and the procedural safeguards which those school districts provide students. OCR will also examine incidents in which students with disabilities are allegedly subjected to treatment which is different from the treatment to which similarly situated students without disabilities are subjected. Such incidents may involve the unwarranted exclusion of disabled students from educational programs and services.

6. What protections does OCR provide against retaliation?

Retaliatory acts are prohibited. A recipient is prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Section 504.

7. Does OCR mediate complaints?

OCR does not engage in formal mediation. However, OCR may offer to facilitate mediation, referred to as "Early Complaint Resolution," to resolve a complaint filed under Section 504. This approach brings

the parties together so that they may discuss possible resolution of the complaint immediately. If both parties are willing to utilize this approach, OCR will work with the parties to facilitate resolution by providing each an understanding of pertinent legal standards and possible remedies. An agreement reached between the parties is not monitored by OCR.

8. What are the appeal rights with OCR?

OCR affords an opportunity to the complainant for appeal of OCR's letters of finding issued pursuant to Section 303(a) of the OCR Case Processing Manual. OCR also affords an opportunity to the complainant for appeal of OCR's dismissals or administrative closures of complaints issued pursuant to Sections 108, 110 and 111 of the Manual. The appeal process provides an opportunity for complainants to bring information to OCR's attention that would change OCR's decision, but it does not involve a de novo review of OCR's decision. The complainant may send a written appeal to the Director of the regional Enforcement Office that issued the determination within 60 days of the date of the determination letter being appealed from. In an appeal, the complainant must explain why he or she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, and how this would change OCR's determination in the case. More information about appeals is found in Section 306 of the Manual.

9. What does noncompliance with Section 504 mean?

A school district is out of compliance when it is violating any provision of the Section 504 statute or regulations .

10. What sanctions can OCR impose on a school district that is out of compliance?

OCR initially attempts to bring the school district into voluntary compliance through negotiation of a corrective action agreement. If OCR is unable to achieve voluntary compliance, OCR will initiate enforcement action. OCR may: (1) initiate administrative proceedings to terminate Department of Education financial assistance to the recipient; or (2) refer the case to the Department of Justice for judicial proceedings.

11. Who has ultimate authority to enforce Section 504?

In the educational context, OCR has been given administrative authority to enforce Section 504. Section 504 is a Federal statute that may be enforced through the Department's administrative process or through the Federal court system. In addition, a person may at any time file a private lawsuit against a school district. The Section 504 regulations do not contain a requirement that a person file a complaint with OCR and exhaust his or her administrative remedies before filing a private lawsuit.

STUDENTS PROTECTED UNDER SECTION 504

Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment. Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

12. What is a physical or mental impairment that substantially limits a major life activity?

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. The Section 504 regulatory provision at 34 C.F.R. 104.3(j)(2)(i) defines a physical or mental impairment as 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; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

Major life activities, as defined in the Section 504 regulations at 34 C.F.R. 104.3U)(2)(ii), include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. Other functions can be major life activities for purposes of Section 504. In the Amendments Act (see FAQ 1), Congress provided additional examples of general activities that are major life activities, including eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. Congress also provided a non-exhaustive list of examples of "major bodily functions" that are major life activities, such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. The Section 504 regulatory provision, though not as comprehensive as the Amendments Act, is still valid -the Section 504 regulatory provision's list of examples of major life activities is not exclusive, and an activity or function not specifically listed in the Section 504 regulatory provision can nonetheless be a major life activity.

13. Does the meaning of the phrase "qualified student with a disability" differ on the basis of a student's educational level, i.e., elementary and secondary versus postsecondary?

Yes. At the elementary and secondary educational level, a "qualified student with a disability" is a student with a disability who is: of an age at which students without disabilities are provided elementary and secondary educational services; of an age at which it is mandatory under state law to provide elementary and secondary educational services to students with disabilities; or a student to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA).

At the postsecondary educational level, a qualified student with a disability is a student with a disability who meets the academic and technical standards requisite for admission or participation in the institution's educational program or activity.

14. Does the nature of services to which a student is entitled under Section 504 differ by educational level?

Yes. Public elementary and secondary recipients are required to provide a free appropriate public education to qualified students with disabilities. Such an education consists of regular or special education and related aids and services designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met.

At the postsecondary level, the recipient is required to provide students with appropriate academic adjustments and auxiliary aids and services that are necessary to afford an individual with a disability an equal opportunity to participate in a school's program. Recipients are not required to make adjustments or provide aids or services that would result in a fundamental alteration of a recipient's program or impose an undue burden.

15. Once a student is identified as eligible for services under Section 504, is that student always entitled to such services?

Yes, as long as the student remains eligible. The protections of Section 504 extend only to individuals who meet the regulatory definition of a person with a disability. If a recipient school district re-evaluates a student in accordance with the Section 504 regulatory provision at 34 C.F.R. 104.35 and determines that the student's mental or physical impairment no longer substantially limits his/her ability to learn or any other major life activity, the student is no longer eligible for services under Section 504.

16. Are current illegal users of drugs excluded from protection under Section 504?

Generally, yes. Section 504 excludes from the definition of a student with a disability, and from Section 504 protection, any student who is currently engaging in the illegal use of drugs when a covered entity

acts on the basis of such use. (There are exceptions for persons in rehabilitation programs who are no longer engaging in the illegal use of dmgs).

17. Are current users of alcohol excluded from protection under Section 504?

No. Section 504's definition of a student with a disability does not exclude users of alcohol. However, Section 504 allows schools to take disciplinary action against students with disabilities using drugs or alcohol to the same extent as students without disabilities.

EVALUATION

At the elementary and secondary school level, determining whether a child is a qualified disabled student under Section 504 begins with the evaluation process. Section 504 requires the use of evaluation procedures that ensure that children are not misclassified, unnecessarily labeled as having a disability, or incorrectly placed, based on inappropriate selection, administration, or interpretation of evaluation materials.

18. What is an appropriate evaluation under Section 504?

Recipient school districts must establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need special education and/or related services because of disability. The Section 504 regulatory provision at 34 C.F.R. 104.35(b) requires school districts to individually evaluate a student before classifying the student as having a disability or providing the student with special education. Tests used for this purpose must be selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement or other factor being measured rather than reflect the student's disability, except where those are the factors being measured. Section 504 also requires that tests and other evaluation materials include those tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient. The tests and other evaluation materials must be validated for the specific purpose for which they are used and appropriately administered by trained personnel.

19. How much is enough information to document that a student has a disability?

At the elementary and secondary education level, the amount of information required is determined by the multi-disciplinary committee gathered to evaluate the student. The committee should include persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. The committee members must determine if they have enough information to make a knowledgeable decision as to whether or not the student has a disability. The Section 504 regulatory provision at 34 C.F.R.

104.35(c) requires that school districts draw from a variety of sources in the evaluation process so that the possibility of error is minimized. The information obtained from all such sources must be

documented and all significant factors related to the student's learning process must be considered. These sources and factors may include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. In evaluating a student suspected of having a disability, it is unacceptable to rely on presumptions and stereotypes regarding persons with disabilities or classes of such persons. Compliance with the IDEA regarding the group of persons present when an evaluation or placement decision is made is satisfactory under Section 504.

20. What process should a school district use to identify students eligible for services under Section 504? Is it the same process as that employed in identifying students eligible for services under the IDEA?

School districts may use the same process to evaluate the needs of students under Section 504 as they use to evaluate the needs of students under the IDEA. If school districts choose to adopt a separate process for evaluating the needs of students under Section 504, they must follow the requirements for evaluation specified in the Section 504 regulatory provision at 34 C.F.R. 104.35.

21. May school districts consider "mitigating measures" used by a student in determining whether the student has a disability under Section 504?

No. As of January 1, 2009, school districts, in determining whether a student has a physical or mental impairment that substantially limits that student in a major life activity, must not consider the ameliorating effects of any mitigating measures that student is using. This is a change from prior law. Before January 1, 2009, school districts had to consider a student's use of mitigating measures in determining whether that student had a physical or mental impairment that substantially limited that student in a major life activity. In the Amendments Act (see FAQ 1), however, Congress specified that the ameliorative effects of mitigating measures must not be considered in determining if a person is an individual with a disability.

Congress did not define the term "mitigating measures" but rather provided a non-exhaustive list of "mitigating measures." The mitigating measures are as follows: 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; oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications.

Congress created one exception to the mitigating measures analysis. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining if an impairment substantially limits a major life activity. "Ordinary eyeglasses or contact lenses" are lenses

that are intended to fully correct visual acuity or eliminate refractive error, whereas "low-vision devices" (listed above) are devices that magnify, enhance, or otherwise augment a visual image.

22. Does OCR endorse a single formula or scale that measures substantial limitation?

No. The determination of substantial limitation must be made on a case-by-case basis with respect to each individual student. The Section 504 regulatory provision at 34 C.F.R. 104.35 (c) requires that a group of knowledgeable persons draw upon information from a variety of sources in making this determination.

23. Are there any impairments which automatically mean that a student has a disability under Section 504?

No. An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504.

24. Can a medical diagnosis suffice as an evaluation for the purpose of providing FAPE?

No. A physician's medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have an impairment which substantially limits a major life activity. Other sources to be considered, along with the medical diagnosis, include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. As noted in FAQ 22, the Section 504 regulations require school districts to draw upon a variety of sources in interpreting evaluation data and making placement decisions.

25. Does a medical diagnosis of an illness automatically mean a student can receive services under Section 504?

No. A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. The illness must cause a substantial limitation on the student's ability to learn or another major life activity. For example, a student who has a physical or mental impairment would not be considered a student in need of services under Section 504 if the impairment does not in any way limit the student's ability to learn or other major life activity, or only results in some minor limitation in that regard.

26. How should a recipient school district handle an outside independent evaluation? Do all data brought to a multi-disciplinary committee need to be considered and given equal weight?

The results of an outside independent evaluation may be one of many sources to consider. Multi-disciplinary committees must draw from a variety of sources in the evaluation process so that the possibility of error is minimized. All significant factors related to the subject student's learning process

must be considered. These sources and factors include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior, among others. Information from all sources must be documented and considered by knowledgeable committee members. The weight of the information is determined by the committee given the student's individual circumstances.

27. What should a recipient school district do if a parent refuses to consent to an initial evaluation under the Individuals with Disabilities Education Act (IDEA), but demands a Section 504 plan for a student without further evaluation?

A school district must evaluate a student prior to providing services under Section 504. Section 504 requires informed parental permission for initial evaluations. If a parent refuses consent for an initial evaluation and a recipient school district suspects a student has a disability, the IDEA and Section 504 provide that school districts may use due process hearing procedures to seek to override the parents' denial of consent.

28. Who in the evaluation process makes the ultimate decision regarding a student's eligibility for services under Section 504?

The Section 504 regulatory provision at 34 C.F.R.104.35 (c) (3) requires that school districts ensure that the determination that a student is eligible for special education and/or related aids and services be made by a group of persons, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options. If a parent disagrees with the determination, he or she may request a due process hearing.

29. Once a student is identified as eligible for services under Section 504, is there an annual or triennial review requirement? If so, what is the appropriate process to be used? Or is it appropriate to keep the same Section 504 plan in place indefinitely after a student has been identified?

Periodic re-evaluation is required. This may be conducted in accordance with the IDEA regulations, which require re-evaluation at three-year intervals (unless the parent and public agency agree that re-evaluation is unnecessary) or more frequently if conditions warrant, or if the child's parent or teacher requests a re-evaluation, but not more than once a year (unless the

parent and public agency agree otherwise).

30. Is a Section 504 re-evaluation similar to an IDEA re-evaluation? How often should it be done?

Yes. Section 504 specifies that re-evaluations in accordance with the IDEA is one means of compliance with Section 504. The Section 504 regulations require that re-evaluations be conducted periodically.

Section 504 also requires a school district to conduct a re-evaluation prior to a significant change of placement. OCR considers an exclusion from the educational program of more than 10 school days a significant change of placement. OCR would also consider transferring a student from one type of program to another or terminating or significantly reducing a related service a significant change in placement.

31. What is reasonable justification for referring a student for evaluation for services under Section 504?

School districts may always use regular education intervention strategies to assist students with difficulties in school. Section 504 requires recipient school districts to refer a student for an evaluation for possible special education or related aids and services or modification to regular education if the student, because of disability, needs or is believed to need such services.

32. A student is receiving services that the school district maintains are necessary under Section 504 in order to provide the student with an appropriate education. The student's parent no longer wants the student to receive those services. If the parent wishes to withdraw the student from a Section 504 plan, what can the school district do to ensure continuation of services?

The school district may initiate a Section 504 due process hearing to resolve the dispute if the district believes the student needs the services in order to receive an appropriate education.

33. A student has a disability referenced in the IDEA, but does not require special education services. Is such a student eligible for services under Section 504?

The student may be eligible for services under Section 504. The school district must determine whether the student has an impairment which substantially limits his or her ability to learn or another major life activity and, if so, make an individualized determination of the child's educational needs for regular or special education or related aids or services. For example, such a student may receive adjustments in the regular classroom.

34. How should a recipient school district view a temporary impairment?

A temporary impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major

life activities for an extended period

of time. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.

In the Amendments Act (see FAQ 1), Congress clarified that an individual is not "regarded as" an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

35. Is an impairment that is episodic or in remission a disability under Section 504?

Yes, under certain circumstances. In the Amendments Act (see FAQ 1), Congress clarified that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. A student with such an impairment is entitled to a free appropriate public education under Section 504.

PLACEMENT

Once a student is identified as being eligible for regular or special education and related aids or services, a decision must be made regarding the type of services the student needs.

36. If a student is eligible for services under both the IDEA and Section 504, must a school district develop both an individualized education program (IEP) under the IDEA and a Section 504 plan under Section 504?

No. If a student is eligible under IDEA, he or she must have an IEP. Under the Section 504 regulations, one way to meet Section 504 requirements for a free appropriate public education is to implement an IEP.

37. Must a school district develop a Section 504 plan for a student who either "has a record of disability" or is "regarded as disabled"?

No. In public elementary and secondary schools, unless a student actually has an impairment that substantially limits a major life activity, the mere fact that a student has a "record of" or is "regarded as" disabled is insufficient, in itself, to trigger those Section 504 protections that require the provision of a free appropriate public education (FAPE). This is consistent with the Amendments Act (see FAQ 1), in which Congress clarified that an individual who meets the definition of disability solely by virtue of being "regarded as" disabled is not entitled to reasonable accommodations or the reasonable modification of policies, practices or procedures. The phrases "has a record of disability" and "is regarded as disabled" are meant to reach the situation in which a student either does not currently have or never had a disability, but is treated by others

as such.

As noted in FAQ 34, in the Amendments Act (see FAQ 1), Congress clarified that an individual is not "regarded as" an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

38. What is the receiving school district's responsibility under Section 504 toward a student with a Section 504 plan who transfers from another district?

If a student with a disability transfers to a district from another school district with a Section 504 plan, the receiving district should review the plan and supporting documentation. If a group of persons at the receiving school district, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options determines that the plan is appropriate, the district is required to implement the plan. If the district determines that the plan is inappropriate, the district is to evaluate the student consistent with the Section 504 procedures at 34 C.F.R. 104.35 and determine which educational program is appropriate for the student. There is no Section 504 bar to the receiving school district honoring the previous IEP during the interim period.

39. What are the responsibilities of regular education teachers with respect to implementation of Section 504 plans? What are the consequences if the district fails to implement the plans?

Regular education teachers must implement the provisions of Section 504 plans when those plans govern the teachers' treatment of students for whom they are responsible. If the teachers fail to implement the plans, such failure can cause the school district to be in noncompliance with Section 504.

40. What is the difference between a regular education intervention plan and a Section 504 plan?

A regular education intervention plan is appropriate for a student who does not have a disability or is not suspected of having a disability but may be facing challenges in school. School districts vary in how they address performance problems of regular education students. Some districts employ teams at individual schools, commonly referred to as "building teams." These teams are designed to provide regular education classroom teachers with instructional support and strategies for helping students in need of assistance. These teams are typically composed of regular and special education teachers who provide ideas to classroom teachers on methods for helping students experiencing academic or behavioral problems. The team usually records its ideas in a written regular education intervention plan. The team meets with an affected student's classroom teacher(s) and recommends strategies to address the student's problems within the regular education environment. The team then follows the responsible teacher(s) to determine whether

the student's performance or behavior has improved. In addition to building teams, districts may utilize other regular education intervention methods, including before-school and after-school programs, tutoring programs, and mentoring programs.

PROCEDURAL SAFEGUARDS

Public elementary and secondary schools must 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.

41. Must a recipient school district obtain parental consent prior to conducting an initial evaluation?

Yes. OCR has interpreted Section 504 to require districts to obtain parental permission for initial evaluations. If a district suspects a student needs or is believed to need special instruction or related services and parental consent is withheld, the IDEA and Section 504 provide that districts may use due process hearing procedures to seek to override the parents' denial of consent for an initial evaluation.

42. If so, in what form is consent required?

Section 504 is silent on the form of parental consent required. OCR has accepted written consent as compliance. IDEA as well as many state laws also require written consent prior to initiating an evaluation.

43. What can a recipient school district do if a parent withholds consent for a student to secure services under Section 504 after a student is determined eligible for services?

Section 504 neither prohibits nor requires a school district to initiate a due process hearing to override a parental refusal to consent with respect to the initial provision of special education and related services. Nonetheless, school districts should consider that IDEA no longer permits school districts to initiate a due process hearing to override a parental refusal to consent to the initial provision of services.

44. What procedural safeguards are required under Section 504?

Recipient school districts are required to establish and implement procedural safeguards that include notice, an opportunity for parents to review relevant records, an impartial hearing with opportunity for participation by the student's parents or guardian, representation by counsel and a review procedure.

45. What is a recipient school district's responsibility under Section 504 to provide information to parents and students about its evaluation and placement process?

Section 504 requires districts to provide notice to parents explaining any evaluation

and placement decisions affecting their children and explaining the parents' right to review educational records and appeal any decision regarding evaluation and placement through an impartial hearing.

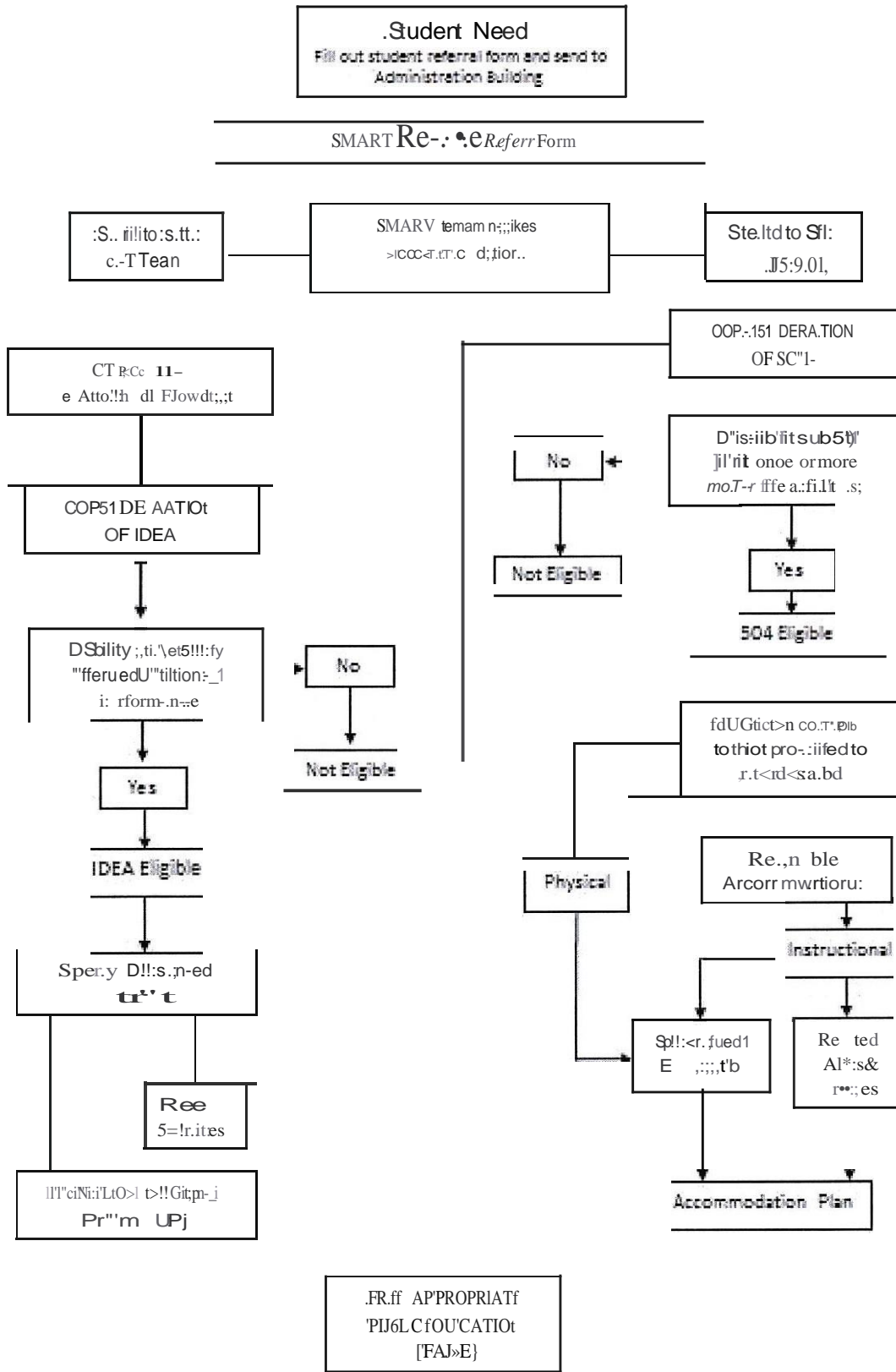
46. Is there a mediation requirement under Section 504?

No.

Appendix B

SAPULPA PUBUC SCHOOLS

STUDENT REFERRAL FLOW CHART



Appendix C

SMART Student Referral Form

(To be completed by person most familiar with student)

Teacher: _____ Grade: _____ School: _____

Student: _____ Date of Birth: _____

Parent Name(s): _____ Date of Parent Contact: _____

Address _____ City _____ Zip: _____

Home Phone: _____ Cell Phone: _____

Native Language: _____ Primary Language _____

_____ Has the student repeated any grades? _____

_____ If yes, which one(s) _____

Has the student attended any other schools? _____ If yes, list school _____

Number of days absent to date (may attach attendance history) _____

Does the student receive any school-based services (ELL, Title I etc.)? No _____ If yes, list _____

Does the student receive any private counseling or tutoring services? No _____ If yes, list _____

Briefly describe the problem/concern: _____

Have parents been notified about problem/concerns? _____

Health History (current vision/hearing screening is required before form submission)

Date of last vision screening _____ Results _____

Date of last hearing screening _____ Results _____

Does this student have any history of medical problems of which you are aware? _____ If yes, list _____

Medication(s)

Please check items which are most significant:

In the area of ATTENTION:
 easily distracted by other students or events
 difficulty sustaining attention
 difficulty following instructions
 often does not seem to listen (pay attention)
 daydreams
 other: _____

In the area of COMPLIANCE:
 argumentative with others
 often actively defiant toward others
 often blames others for own mistakes
 often defensive or easily annoyed by others
 excessively submissive to others
 other: _____

In the area of RELATING TO ADULTS:
 defiant
 demands attention
 needs much control
 will not ask for help
 often rejects help
 other: _____

In the area of SELF-CONTROL:
 difficulty awaiting his/her turn
 often talks out
 shifts excessively from one activity to another
 difficulty in accepting change
 sacrifices accuracy for speed
 other: _____

In the area of ATTITUDE:
 fearful, worries excessively
 shows marked low self-esteem
 often needs reassurance
 low frustration tolerance
 often becomes angry and loses temper
 frequently avoids interaction with others
 often gets into fights
 other: _____

Identify Student's Strengths:

In the area of ENERGY LEVEL:
 difficulty staying seated
 fidgets excessively
 excessively restless
 lethargic
 works very slowly
 other: _____

In the area of RELATING TO PEERS:
 challenges _____
 excitable towards _____
 socially inappropriate
 reacts to minor events
 argumentative
 critical of others
 timid and quiet
 withdraws from others
 other: _____

Interventions Attempted:

In the area of TASK ORGANIZATION AND PLANNING:
 trouble organizing belongings (supplies, books)
 trouble starting a task, starts slowly or resists
 always starts task
 trouble completing a task, slowly completes
 rarely completes task
 won't try, gives up
 destroys own work
 other: _____

In the area of ACADEMIC SKILLS:
 problems with reading skills
 problems with math skills
 problems with spelling skills
 other: _____

Other:

Existing Educational Data

Attach most recent progress report, report card, disciplinary reports, medical reports and assessment data. For PK or KG attach developmental screening and language screening or testing results.

EasyCBM

STAR Reading Scores

Fall ___ **Winter** ___ **Spring** ___

Date _____ **STAR** ___

Letter Names _____

Date _____ **STAR** _____

Letter Sounds _____

Reading Benchmark

Phoneme Segmenting _____

Date _____ 1st _____

Word Reading Fluency _____

Date _____ 2nd _____

Math Benchmark

Passage Reading Fluency _____

Date _____ 1st _____

Reading Comprehension _____

Vocabulary _____

Math _____

Date _____ 2nd _____

OCCT

Year: _

Math _____ Reading

Appendix D

STUDENT INFORMATION FORM

Note: This information will be used to help a team of school personnel determine an appropriate educational placement for your child. Please add information that you feel will be helpful. Information will be considered confidential.

Child's Name: _____
Last Middle First Nickname

Child's Birth Date: _____ **Child's Age:** _____ **Child's Medicaid #:** _____

Child's Race/Ethnicity: _____ **Language spoken in home:** _____

Child is living with:

Natural parents _____ Parent & Step-Parent _____ Single Parent _____ Adoptive Parent _____ Relative _____ Other _____

Who has legal custody of this child? _____

Father's Name: _____ **Mother's Name:** _____

Address: _____ **Address:** _____

Phone: _____ **Phone:** _____

Employment: _____ **Employment:** _____

Work Phone: _____ **Work Phone:** _____

FAMILY INFORMATION

List other children in the family:	Age:	Grade:	Living at home:	
_____	_____	_____	Yes	No
_____	_____	_____	Yes	No
_____	_____	_____	Yes	No
_____	_____	_____	Yes	No

Medical History: Please check any problems this child has had:

Seizure	Allergies or Asthma _____	High Fever (104) _____	Hearing Problem _____
Brain Damage _____	Serious Injury _____	Dmg Addiction _____	Encephalitis _____
Cerebral Palsy _____	Speech/Lang Problem _____	Visual Problem	Ear Infections
Diabetes	Birth Defect	Heart Problems	Meningitis _____

Serious Illnesses: _____

Major Surgeries: _____

Recurrng Heili Problems: _____
edkations bcng _____ ken: _____

Child's Physician: _____

Date of last eye exam: _____

Agency: _____

Results: _____

Phone number: _____

Date of last hearing exam: _____

Agency: _____

Results: _____

Describe any complications during pregnancy, labor, or delivery: _____

Did this child sit, crawl, walk, and talk about the same age as his/her siblings, or other children you know? _____
If no, list the delays: _____

Was there anything unusual about this child's development during the first 3 years of life? _____

If yes, please explain: _____

Previous Evaluations:

Has this child ever been evaluated or received services from another professional agency?

Speech_ Hearing_ Vision Psychological_ Educational Other

Agency/Professional: _____ Date: _____

Speech and Language Concerns: Indicate any areas of concern for the student

Comprehension of verbally presented information
Comprehension/expression of basic information/vocabulary
Maintaining topic relevancy
Oral Motor Problems
Following verbal directions
Dysfluencies (stuttering)
Poor social skills
Articulation
Grammar
Voice

School History:

Other schools attended: _____ Grades repeated: _____

_____ ring (whrt suecn _____)

Special classes or services: _____

Please explain any concerns about your child's performance: _____

Describe your child's attitude toward school: _____

Describe your child's strengths: _____

Work Habits:

	Always	Usually	Sometimes	Rarely
Completes class work				
Completes homework				
Motivated to learn				
Attentive to task				
Can transition between activities				
Generalizes learning to new situations				
Works independently				
Frustrates easily				
Distractible				
Short attention span				
Inconsistent learning				

Adaptive Behavior as Observed in the Home:

Check every item using the boxes below:

	Always	Usually	Sometimes	Rarely
Communicates name, address and phone number				
Comprehends written communication (e.g. understands written directions, symbols, etc.)				
Understands the concept of time/ calendar				
Uses resources to solve daily math (calculator, timer, etc.)				
Interacts appropriately in a group situation				
Initiates appropriate behavior for the immediate environment (cleans up area, transitions between tasks)				
Takes turns when appropriate				
Seeks assistance when appropriate				
Initiates activities appropriate for the situation				
Demonstrates knowledge of requirements for personal safety				
Leans from mistakes and attempts to improve skills				
Begins assignments after receiving directions, instructions, etc.				
Makes and keeps friends				
Follows the rules of the classroom and school				
Demonstrates the ability to find necessary locations in the building (classes, restroom, etc.)				
Fastens articles of clothing				
Demonstrates appropriate hygiene (washes hands and face, uses tissue when appropriate)				

Parent signature: _____ Date: _____

PLEASE RETURN THIS FORM TO THE SCHOOL

Appendix E

MEDICAL REPORT

NAME OF CHILD: _____ STUDENT ID: _____

BIRTHDATE: _____ _AGE _DATE: _____

GRAD

E

PARENT(S): _____

PHONE : (WORT) _____ (HOME) _____ (OTHER) _____

_____ HOME ADDRESS:

TO BE COMPLETED BY THE SCHOOL

Referral _____ _School Contact Person _____ _Phone _____
Date

Medical concerns about this child are as follows: At school

At home

NOTE: Consent for Release of Confidential Information with parent signature, is required.

TO BE COMPLETED BY A LICENSED MEDICAL DOCTOR, DOCTOR OF OSTEOPATHY, OR ADVANCED REGISTERED NURSE PRACTITIONER (ARNP)

Information in the following areas would be helpful to the school and parents in planning for the child's educational needs. Please respond as appropriate, including any applicable medical diagnoses.

General Health: _____

Motor Functioning: _____

Neurological Findings: _____

Allergies: _____

Dietary considerations: _____

Vision (attach eye report): _____

Hearing: _____

Medications, including purpose: _____

Other Pertinent Information: _____

Please indicate ways in which any of the above may adversely affect behavior: _____

Is further medical evaluation or treatment planned for any specific areas: _____

In what ways may your medical findings affect the school's educational or behavioral planning: _____

In what ways can school personnel facilitate ongoing communication with you: _____

If the child is involved in the Systems of Care program, please describe: _____

This information will be maintained in accordance with the Family Educational Rights and Privacy Act (34 CFR 99) and Individuals with Disabilities Education Act (IDEA).

Medical or epidemiological information or records with identify any person as having a communicable or venereal disease (such as hepatitis, syphilis, gonorrhea, and the human immunodeficiency virus (also known as AIDS) and shall be

stlctly classified as confidential pursuant to Title 63 O.S. 502.3.

Physician's Signature

Date

Appendix F

PARENT CONSENT FOR EVALUATION

NAME OF CHILD: _____ STUDENT ID: _____

BIRTHDATE: _____ GRADE _____ AGE _____ DATE _____
:

PARENT(S): _____

PHONE: (WORK) _____ (HOME) _____ (OTHER) _____

HOME ADDRESS: _____

Consent is being requested for the following:

_____ Initial Evaluation (See page 2 for descriptions of evaluation procedures)

_____ Reevaluation (See page 2 for descriptions of evaluation procedures)

_____ Amendment/Modifications to the Individualized Education Program (IBP)

_____ Access Public Benefits or Insurance (must be annually)

Other: _____

_____ Members of outside agency(ies) paying for or providing secondary transition services to attend IEP meetings _____ (Agency) _____ (Date) ^{to} _____ (Date)

PARENT(S):

Evaluation procedures to be utilized in assessing these areas of functioning are explained on the Written Notice to Parents, OSDE F01m 8. I have received an explanation of the proposed evaluation and the evaluation procedures to be utilized. I am aware of the protections provided under the procedural safeguards. I have received a copy of Parents Rights in Special Education: Notice of Procedural Safeguards. (Parent Initials)

For additional resources contact your local educational agency (LEA) at the telephone number listed below. You may also contact the Oklahoma State Department of Education (OSDE), Special Education Services (SES) at (405) 521-3351 or by visiting the OSDE-SES Web site located at <www.ok.gov/sde>.

PARENT SIGNATURE DATE

FROM: _____
SIGNATURE OF DISTRICT/PUBLIC AGENCY OFFICIAL DATE DISTRICT/ AGENCY

STREET ADDRESS/POST OFFICE BOX CITY, STATE ZIP TELEPHONE

Evaluation procedures to be utilized in assessing these areas of functioning are explained on this form. Qualified professionals will conduct evaluation procedures to provide additional information, to the extent appropriate, on the basis of a review of existing evaluation data and input from the parents. Additional information may be needed to determine whether a child has or continues to have a particular disability; present levels of performance and educational needs; whether the child continues to need special education and related services; or whether any additions or modifications to the special education and related services are needed to meet the annual goals in the IEP and to participate as appropriate in the general curriculum. The appropriate extent of the reevaluation has been reviewed by the IEP team, with opportunity for parent participation and input.

Descriptions of Evaluation Procedures (Check additional areas proposed for this child)

_____ **HEALTH/MEDICAL:** Health and medical history, information about child's health and medical status or medical diagnostic evaluation to determine a medically related disability.

_____ **VISION:** Assessment of visual acuity, field of vision, and vision functioning as necessary to determine a vision-related disability.

_____ **HEARING:** Assessment of hearing functioning and extent of hearing impairment as necessary to determine a hearing-related disability.

_____ **MOTOR:** Assessment of gross and/or fine motor skills and abilities in relation to educational needs.

_____ **COMMUNICATION/LANGUAGE:** Speech skills (including articulation, voice, fluency, and oral-motor) and/or receptive and expressive language skills and abilities (including phonology, morphology, syntax, semantics, and pragmatics).

_____ **ACADEMIC ACHIEVEMENT:** Assessments to measure academic achievement in such areas as listening comprehension, oral expression, basic reading skills, reading comprehension, reading fluency, mathematics calculation, mathematics problem solving, and written expression skills.

_____ **INTELLECTUAL/COGNITIVE:** Individually administered assessment of child's ability to learn, including overall mental ability and cognitive functioning.

_____ **PERCEPTUAL/PROCESSING:** Child's abilities to perceive and/or process information through visual, auditory, and sensory-motor means.

_____ **DEVELOPMENTAL:** Assessment of child's developmental history, skills, and abilities in relationship to expectations for the age group.

_____ **PSYCHOLOGICAL, SOCIAL/EMOTIONAL:** Information collected and assessments of the child's social skills/emotional status, psychological concerns, and behavior (may include data collection, rating scales, behavioral observations, interviews, personal inventories, and projective tests).

_____ **FUNCTIONAL BEHAVIOR:** Information collected and assessments of the child's functional behavior (may include data collection, rating scales, behavioral observations, interviews, and personal inventories).

_____ **ADAPTIVE BEHAVIOR:** Assessment of child's general behavior in the school and home settings (may include adaptive behavior skills and activities in the community).

_____ **SOCIOCULTURAL:** Collection of information and procedures to consider potential influence of sociocultural background or cultural, linguistic diversity.

_____ **OBSERVATION IN CLASSROOM/OTHER ENVIRONMENT:** Observations of child's performance and functioning in the classroom and/or other appropriate settings.

_____ **VOCATIONAL:** Assessment of vocational interests, aptitudes, and skills.

ASSISTIVE TECHNOLOGY

OTHER CONCERNS AND ASSESSMENTS: _____

Local Education Agency Initials _____ Date: _____ Parent Initials _____ Date: _____

Appendix G

SECTION 504 OF THE REHABILITATION ACT OF 1973/ TITLE II OF THE AMERICANS WITH DISABILITIES ACT INFORMATION AND PROCEDURAL SAFEGUARDS

Section 504 of the Rehabilitation Act of 1973 requires that "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his 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. . ." Title II of the Americans with Disabilities Act has a similar anti-discrimination requirement.

Section 504 applies to preschool, elementary, secondary, and adult education programs and activities that receive or benefit from Federal financial assistance for the operation of such programs or activities. Each recipient that operates a federally assisted public elementary or secondary education program must provide a free and appropriate public education to each qualified person in its jurisdiction, regardless of the nature or severity of the person's disability. Recipients that operate a public elementary or secondary education program must also annually attempt to identify and locate unserved children with disabilities.

Section 504 regulations at 34 C.F.R. § 104.3 U-1) define a person with a disability as any person who: has a physical or mental impairment which substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.

For purposes of public educational services, a qualified person with a disability is: of an age that persons with disabilities are provided such services; of any age that it is mandatory under state law to provide such services to persons with disabilities; or a person for whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA).

Provision of an appropriate education means the provision of regular or special education and related services such that:

- Educational services are designed to meet individual educational needs of children with disabilities as adequately as the needs of non-disabled persons are met;
- Each child with a disability is educated with nondisabled children, to the maximum extent appropriate to the needs of the child with a disability; and
- Nondiscriminatory evaluation and placement procedures are established to guard against misclassification or misplacement of students, and a periodic reevaluation is conducted of students who have been provided special education or related services.

Procedural safeguards shall be established and implemented so that parents and guardians are notified of their rights, as follows:

- Receive notice with respect to actions regarding the identification, evaluation, or educational placement of children who, because of a disability, need or are believed to need special instruction or related services;

- Have the interpretation of evaluation data and placement decisions made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options (504 team);
- The 504 team shall draw upon information from a variety of sources, including aptitude and achievement test, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, and ensure that this information is documented and carefully considered;
- Have the opportunity to review relevant records;
- If they disagree with the school district's decision, may challenge the identification, evaluation and placement decisions made with respect to their children in an impartial hearing, with an opportunity for their participation and for representation by counsel, by contacting the Section 504/Title II Coordinator in writing to request the hearing;
- If they disagree with the impartial hearing decision, may challenge that decision by requesting an impartial review of the decision by contacting the Section 504/Title II Coordinator in writing to request the review within 30 days of receipt of the hearing decision; and
- If they disagree with the impartial review decision, may challenge that decision by requesting an impartial review of the decision by contacting the Section 504/Title II Coordinator in writing to request the review within 30 days of receipt of the hearing decision; and
- If they disagree with the impartial review decision, may challenge that decision by filing an action in state or federal court.

Provision of a free public education requires recipients that operate a public elementary or secondary education program to provide services without cost to the person with a disability or to the child's parents or guardians, except for those fees imposed on non-disabled persons, parents or guardians. It also means that, if a school district is unable to provide a child with a disability with an appropriate education and places or refers that child to a program it does not operate, the district is still responsible for the costs of the program including tuition, room and board, transportation, and non-medical care.

An appropriate education could consist of education in regular classes, education in regular classes with the use of supplementary services, or special education and related services. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions, and may be accompanied by such related services and developmental, corrective, and other supportive services, including psychological counseling and medical diagnostic services.

Children with disabilities must also be afforded an equal opportunity to participate in nonacademic and extracurricular services and activities such as counseling, physical education, recreational athletics, transportation, health services, recipient-sponsored clubs, recipient employment and assistance in obtaining employment. These services

must be provided by the recipient in such manner as is necessary to afford students with disabilities an equal opportunity for participation.

Elementary and secondary school recipients operating preschool and adult education programs may not exclude qualified persons with disabilities and must take into account their needs in determining the aid, benefits, or services to be provided under these programs or activities.

The District 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.

The Office for Civil Rights of the United States Department of Education enforces the requirements of Section 504 of the Rehabilitation Act of 1973 and Title I of the Americans with Disabilities Act. The address of the Regional Office which includes Oklahoma is: Office for Civil Rights, One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, MO, 64106.

Persons with questions or concerns about this Information and Procedural Safeguards form or about the implementation of Section 504 or Title II of the Americans with Disabilities Act should contact:

Section 504/Title II Coordinator: Katherine Stufflebeam

Street Address: 511 E. Lee

City, State, Zip Code: Sapulpa, OK 74066

Telephone Number with Area Code: 918-224-3400 x1115

544.1.3 **STUDENT DRUG TESTING CONSENT FORM** (Revised 8-3-09)

Statement of Purpose and Intent Participation in school sponsored extra-curricular activities at the Sapulpa School District is a privilege. Activity Students carry a responsibility to themselves, their fellow students, their parents, and their school to set the highest possible examples of conduct, which includes avoiding the use or possession of illegal and performance-enhancing drugs.

Drug use of any kind is incompatible with participation in extra-curricular activities on behalf of the Sapulpa Public School District. For the safety, health, and well being of the students of the Sapulpa Public School District, the Sapulpa Public School District has adopted the Activity Student Drug Testing Policy and the Student Drug Testing Consent Form for use by all participating students at the junior high and high school levels.

Participation in Extra-Curricular Activities

Each Activity Student shall be provided with a copy of the Activity Student Drug Testing Policy and Student Drug Testing Consent Form which shall be read, signed and dated by the student, parent or custodial guardian, and coach/sponsor before such student shall be eligible to practice or participate in any interscholastic activities. The consent shall be to provide a urine sample and/or hair follicle one time per year, then as chosen by the random selection basis to be tested for illegal or performance-enhancing drugs. No student shall be allowed to practice or participate in any activity governed by the policy unless the student has returned the properly signed Student Drug Testing Consent.

Student's Last Name	First Name	MI
---------------------	------------	----

I understand after having read the "Student Activity Drug Testing Policy" and "Student Drug Testing Consent Form," that, out of care for my safety and health, the Sapulpa Public School District enforces the rules applying to the consumption or possession of illegal and performance-enhancing drugs. As a member of a Sapulpa extra-curricular interscholastic activity, I realize that the personal decision that I make daily in regard to the consumption or possession of illegal or performance-enhancing drugs may affect my health and well-being as well as the possible endangerment of those around me and reflect upon any organization with which I am associated. If I choose to violate school policy regarding the use or possession of illegal or performance-enhancing drugs any time while I am involved in in-season or off-season activities, I understand upon determination of that violation I will be subject to the restrictions on my participation as outlined in the Policy.

Signature of Student	Date
----------------------	------

We have read and understood the Sapulpa Public School District "Activity Student Drug Testing Policy" and "Student Drug Testing Consent Form." We desire that the student named above

participate in the extra-curricular interscholastic programs of the Sapulpa Public School District and we hereby voluntarily agree to be subject to its terms. We accept the method of obtaining urine samples and hair follicles, testing and analysis of such specimens, and all other aspects of the program. We further agree and consent to the disclosure of the sampling, testing and results as provided in this program.

Signature of Parent or Custodial Guardian

Date

Signature of Coach/Sponsor

Date

545. HEALTH PROCEDURE:STUDENT

HEALTH PROCEDURES

Sapulpa Public Schools has adopted the following guidelines to outline the steps necessary for the school nurse or designated school employees to perform specialized physical health care procedures. Procedures might include diabetes management, catheterizations, complex dressing changes, suctioning, and/or tube feedings.

A. Interview with parent/ guardian and the school nurse as to the condition of the student and the need for specialized health care.

8. The "HealthCare Authorization Form" must be filled out in detail and signed by the physician and the parent/ guardian. Procedures will not be performed without physician authorization. Detailed, current and signed physician's orders will be accepted. The school nurses will determine if additional documentation or information is needed.

C. The parent/ guardian will be responsible for providing and maintaining the equipment/ supplies needed to perform the procedure. The procedure will not be performed if the equipment/ supplies are not maintained in good condition.

D. The school nurse or designated school employee will not be liable to the student or the parent/ guardian for civil damages for any personal injuries to the student which results from acts or omissions of the school nurse or designated school employee in performing a specialized health care procedure, except for acts or omissions constituting gross, willful or wanton negligence.

E. Designate school employees (other than the school nurse) include the principal, assistant principal, secretary, receptionist, teacher, school counselor, or other school personnel as designated by the principal after consultation with the school nurse.

F. A release from shall be signed by the parent/ guardian giving permission for the school nurse to obtain information and instructions from the-student's physician.

Sapulpa Public Schools

HEALTHCARE AUTHORIZATION FORM

Name of Student: _____

DOB: _____

School Site: _____

Grade: _____

GUARDIAN NAME	RELATIONSHIP	HOME PHONE	WORK PHONE	CELL PHONE

DIAGNOSIS: _____

Procedure to be Implemented: --

Precautions, possible adverse reactions and interventions: _____

Time schedule and/or indication for procedure: _____

Equipment/ Supplies/ Medications needed: -----

Special Instructions: _____

Procedure to continue until (date): _____

Physician's Signature: _____

Date: _____

Physician phone number: _____

I request that the treatment specified above be performed on my child. I understand that I am to supply to equipment and supplies necessary for the procedure and that the procedure will not be performed if the equipment is not in good working condition.

I authorize my child's healthcare provider and the designated health care provider in the school setting to discuss my child's health and/ or exchange information pertaining to this form. *This authorization will be in place unless you withdraw it.* You may withdraw your authorization at any time by contacting your child's school. *When information is released from your child's record, documentation of the disclosure will be maintained in your child's health or scholastic record.*

Parent Signature: _____

Date: _____

Print Name of Parent: _____

Nurse Signature: _____

Date: _____

Medication Procedure

Under Oklahoma law, a school nurse, an administrator or a designated school employee may administer prescription and nonprescription medications to students. Only designated employees who have successfully completed specific training in the administration of nonprescription and prescription medications may administer medication to students with legitimate health needs.

Except as provided in this procedure and in the District's Student Diabetes Care and Management procedure, students may not retain possession of or self-administer any medicine. Violation of this rule will be reported to the student's parent and may result in discipline, including out-of-school suspension.

As further set out below, the District retains the discretion to reject requests for the administration of medication and to discontinue the administration of medication:

1. The parent must deliver the student's medicine to the school nurse, or school administrator or a designated school employee in its original container with the parent's written authorization for administration of the medicine. The parent's authorization must identify the student, the medicine and include or refer to the label for instructions on administration of the medicine. The school nurse, an administrator or a designated employee will administer the medicine to the student pursuant to the parent's instructions and the directions for use on the label or in the physician's prescription. Prescriptions that require pills to be cut must be done so by the parent or pharmacy prior to bringing those pills to school. The parent must complete a new authorization form annually and for each change of medication. The District will maintain the authorization form as a part of the student's health record. Authorization forms will be available in the principal's office. A parent who chooses to do so may come to the school and personally dispense medication to the student.
2. The administration of each school will keep a record of the students to whom medicine is administered, the date of administration, the person who administered the medicine and the name or type of medicine administered.
3. Medications will be stored in a separate locked drawer or cabinet that is readily accessible only to the persons who will administer the medication. Medications requiring refrigeration will be refrigerated in a secure area.
4. Any person administering medicine to a student will participate in training by October 1 of each year conducted by a school nurse or other health care professional. The training will include:
 - 4.1. Review of state statutes and school rules and regulations (including this procedure) regarding administration of medication by school personnel;
 - 4.2. Procedures for administration, documentation, handling and storage of medication; and

4.3. Medication needs of specific students, desired effects, potential side effects, adverse reactions and other observations.

5. Only those persons who successfully complete the training are authorized to administer medication. Each school site will maintain a current list of those authorized to administer medication at that site.

6. Students who are able to self-administer specific medications, such as inhaled asthma medication, or use specialized equipment, such as an inhaler, may do so provided such medication and special equipment are transported and maintained under the student's control in compliance with the following rules:

6.1.A licensed physician or dentist must provide a written order that the student has a particular medical condition (asthma, etc.), is capable of and has been instructed in the proper method of self-administration of medication. It is the parent's responsibility to contact the physician and have the physician complete and return the required order.

- 6.2. The parent must provide a written authorization for self-administration of medication.
- 6.3. Parents who elect self-medication understand and agree that the District, its agents and employees shall incur no liability for any adverse reaction or injury the student suffers as a result of self-administration of medication and/or use of specialized equipment.
- 6.4. The written authorization will terminate at the end of the school year and must be renewed annually.
- 6.5. If the parent and physician authorize self-medication, the District is not responsible for safeguarding the students' medications or specialized equipment.
- 6.6. Students who self-medicate are prohibited from sharing or playing with their medication or special equipment. If a student engages in these activities the parent will be contacted and a conference will be scheduled with the parent, student, nurse and other appropriate persons.
- 6.7. Students will not be allowed to self-administer: Narcotics; Prescription pain killers; Ritalin; and Other medication hereafter designated in writing by the District.
- 6.8. Except as otherwise provided by an individual student's school health plan, students may self-administer non-diabetes-related injectables only in the school office in the presence of authorized school personnel. Diabetes-related injectables will be administered in accordance with the District's Management of Students with Diabetes procedure.
- 6.9. Students who self-medicate are encouraged to wear Medic Alert bracelets or necklaces.
- 6.10. The parent will provide an emergency supply of a student's inhaled asthma medication to be administered by school personnel, as required by state law.

Nonprescription medication. School staff will only administer nonprescription medication with the parent's written authorization and according to label directions or written instructions from the student's physician. The medication must be in the original container that indicates:

1. Student name (affixed to the container);
2. Ingredients;
3. Expiration date;
4. Dosage and frequency;
5. Administration route, i.e., oral, drops, etc.; and
6. Other directions as appropriate. School staff will only administer aspirin (acetylsalicylic acid) and products containing salicylic acid with written instructions from the student's physician. The parent must provide and maintain a supply of nonprescription medication for the student.

Prescription medication. School staff will only administer prescription medication with written

authorization and instructions. Prescription medication must be in the original container that indicates:

1. Student name;
2. Name and strength of medication and expiration date;
3. Dosage and directions for administration;
4. Name of the licensed physician or dentist;
5. Date, name, address and phone number of the pharmacy.
6. Prescriptions that require pills to be cut must be done so by the parent or pharmacy prior to bringing those pills to school.

The parent must provide and maintain the supply of prescription medication for the student. The parent must reclaim any remaining medication by the last official day of school closing or within seven days after the prescribing physician discontinues the medication. The school nurse or designated employee will destroy in a non-recoverable fashion in the presence of a witness any medication not timely reclaimed. The person who destroys the medication will record the following information:

1. Date of destruction;
2. Time of destruction;
3. Name and quantity of medication destroyed; and
4. Manner of destruction of medication.

Any and all controlled substances will be destroyed according to state law.

The school nurse or designated employee will advise the principal or designee if discontinuance of medication to a student is appropriate and assist in informing the parent. Legitimate reasons for discontinuing administration of medication include, but are not limited to the following:

1. A legitimate lack of space or facility to adequately store specific medication;
2. Lack of cooperation by the student, parent and/or prescribing doctor and the District;
3. An unexpected and/or adverse medical reaction to the medication at school, i.e., mood change, allergic reaction, etc., considered to be deleterious to the health and well being of the student;
4. Any apparent change in the medication's appearance, odor, or other characteristics that raise reasonable doubts about the quality of the medication; and
5. The medication expiration date has passed.

Sapulpa Public Schools
CONSENT TO ADMINISTER MEDICATION

Name of Student: _____

DOB: _____

School Site: _____

Grade: _____

I am the parent, guardian or legal custodian with legal custody of _____ a
minor

Student's Name

student attending this school. This student requires medication at intervals during the school day.

I hereby give my consent and authorize the school nurse, the principal, or a District employee designated by the school nurse to administer:

_____, a non-prescription medication that I am hereby supplying
Name of Drug you, in
accordance with my written instructions or the written instructions of a physician, which are attached
hereto.

_____, a filled prescription medication that I am hereby supplying
you,
Name of Drug
in accordance with the directions for the administration of the medicine listed on the label of the
container.

_____, a filled prescription medication that I am hereby supplying
you,
Name of Drug
in accordance with the written instructions of the physician who prescribed the medicine, which
are attached hereto.

I understand that under state law the Board of Education, the District, and District designated employees shall not be liable to the student or the student's parent or guardian for civil damages for any personal injuries to the student that result from acts or omissions of District employees in administering the medicine I have hereby authorized. I also understand that, under state law, the District, its agents and employees shall incur no liability for any adverse reaction or injury suffered by the student as a result of the student's use of specialized equipment.

Finally, I understand that District employees acting in accordance with the Diabetes Management in Schools Act shall be immune from civil liability unless the employee's actions rise to a level of reckless or intentional misconduct.

I agree to abide by all of the terms of the District's Health: Students Policy and Medication Procedures. I understand that I may request a copy of these at any time.

Sapulpa Public Schools

Parent Signature: _____

Date: _____

Print Name of Parent: _____

Nurse Signature: _____

Date: _____

Sapulpa Public Schools

**CONTRACT FOR EXCEPTION:
TO SELF-ADMINISTER AND RETAIN MEDICATION ON PERSON**

Name of Student: _____

DOB: _____

School Site: _____

Grade: _____

We, _____ and _____ request that
Physician's Name *Parent/Guardian Name*
_____ be permitted to carry the medication on his/her person or
Student Name to

keep same in his/her locker or PE locker, as we consider him/her responsible. He/She has been instructed in and understands the purpose and appropriate method and frequency of use of _____ medication.

Name of Drug

I understand this request is governed by Sapulpa Public Schools regulations on self administration of medication and there are conditions and exceptions to self-administration. I acknowledge I may receive a copy of this regulation, upon request. Also I have instructed my child to inform school personnel if symptoms persist so additional emergency care can be obtained, if needed. I have also been advised to have my child wear a medical alert bracelet and that this permission may be revoked if my child misuses the medication, including permitting other children to use the medication.

We, the undersigned, absolve the school of any responsibility in safeguarding our child's medication.

Physician's Signature: _____

Date: _____

Parent Signature: _____

Date: _____

Print Name of Parent: _____

Nurse Signature: _____

Date: _____

Note: This form must be completed in addition to the routine District's Authorization of Medication form for students who request permission to carry their own medication or keep the medication in a P.E. locker.

* This request shall not extend beyond the end of the current school year.

**This contract does not apply to Ritalin or any other controlled substance.

STUDENT DIABETES CARE AND MANAGEMENT PROCEDURE

Any District employee aware of a student who has diabetes-related needs while at school or while participating in school activities will promptly advise the principal or designee. The parent of any student who will have diabetes-related needs at school or in school activities should promptly advise the school principal or designee.

A personal health care team will develop a written Diabetes Medical Management Plan ("Plan") for each student who will seek care for diabetes while at school or while participating in a school activity. The Plan will identify the health services the student may need at school. Each member of the student's personal health care team, including the parent, will sign the Plan. The personal health care team will review the Plan at least annually. The school nurse at the school in which the student is enrolled, if any, will assist the student with the management of his or her diabetes care as provided in the Plan. If the school does not have an assigned school nurse, the principal will make a reasonable effort to find one or more District employees willing to serve as a volunteer diabetes care assistant ("Assistant") to assist the student with diabetes care as provided in the student's Plan.

The principal will make a reasonable effort to ensure that a school nurse or Assistant is available at the school to assist the student when needed. The District will not restrict the assignment of a student with diabetes to a particular school based on the presence of a school nurse or Assistant.

District personnel will request that the parent provide written authorization for the school nurse or Assistant to have access to the student's physician at all times. The District will maintain the Plan and related documentation as student health records.

Before undertaking responsibilities as an Assistant, a volunteer must first complete training provided by the school nurse or the State Department of Health in accordance with the Act.

The training will include instruction in the following:

- a. Recognizing the symptoms of hypoglycemia and hyperglycemia;
- b. Understanding the proper action to take if the student's blood glucose is outside the range indicated in the Plan;
- c. Understanding the details of the Plan;
- d. Performing finger sticks to check blood glucose levels, check urine ketone levels and record the results of those checks;
- e. Properly administering insulin and glucagon and recording the results of the administration;
- f. Recognizing complications that require the Assistant to seek emergency assistance; and
- g. Understanding the recommended schedules and food intake for the student's meals and snacks, the effect of physical activity on blood glucose and the proper action to be taken if the student's schedule is disrupted.

To continue as an Assistant, the volunteer must annually demonstrate competency in the above training. The school nurse, principal or designee will maintain a copy of the training guidelines and the records associated with the training.

With parent permission, the District will provide each District employee responsible for supervising or transporting a student with diabetes a form with the following information:

- a. Student's name;
- b. Telephone number of a contact person in case of an emergency involving the student; and
- c. Potential emergencies that may occur due to the diabetes and appropriate responses to such emergencies.

Any District employee provided the above information will be informed of applicable health privacy policies.

In accordance with his or her individual Plan and this Policy, a student may attend to the management of his or her diabetes, which may include:

- a. Performing blood glucose level checks;
- b. Administering insulin through the student's insulin delivery system;
- c. Treating hypoglycemia and hyperglycemia;
- d. Unless changed in accordance with this Policy, possessing on his or her person at any time, any supplies or specialized equipment necessary to monitor and care for his or her diabetes; and
- e. Otherwise attending to the management of his or her diabetes in the classroom, any area of the school or grounds, or at any school related activity.

The school administration will provide a private area where the student can attend to his or her diabetes-related needs.

Students who manage their diabetes and personally possess the necessary specialized equipment and supplies under this Policy are prohibited from sharing or playing with their equipment or supplies. If a student engages in these activities, the parent will be contacted and a meeting of the personal health care team will be scheduled. The District is not responsible for safeguarding the specialized equipment or supplies of a student who personally possesses those items.

Students with diabetes are encouraged to wear Medic Alert bracelets or necklaces.

No District employee will be subject to any penalty or disciplinary action for refusing to serve as an assistant. No District employee will be subject to any disciplinary proceeding resulting from any action taken in compliance with this Policy. Any employee acting in accordance with this Policy and law will be immune from civil liability unless the employee's actions rise to the level of reckless or intentional conduct. A school nurse will not be held responsible or subject to disciplinary action for the actions of an Assistant.

Physician's Signature: _____

Date: _____

Parent Signature: _____

Date: _____

Print Name of Parent: _____

Nurse Signature: _____

Date: _____

561. **CHILD ABUSE REPORTING AND INVESTIGATION** (Approved 1-12-98)(Revised 8-12-19)

The report may be made by telephone and followed by filing the report, and a copy shall be sent to the principal and Assistant Superintendent.

Confirmed reports shall have a confidential file made or be added to an existing confidential file.

Reports shall be kept until student graduates or exits the district.

All reports shall be stored in a locked area.

561. **Reporting Suspected Child Abuse and/or Neglect Form** (Approved 1-12-98; Revised 12/4/2017, 8/12/19)

Sapulpa Public Schools
Suspected Child Abuse Report Form

Student's Name: _____ Date of Birth: _____

Teacher: _____ Grade: _____ School: _____

Parent's/Guardian's Name: _____ Date of Parent Contact: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

Address: _____

Date DHS notified: _____ Case Number: _____

DHS Representative Name: _____

I hereby acknowledge that I have a statutory duty to report any suspected abuse to DHS. I further understand that merely filing this report does not absolve me of my statutory duty to report this directly to DHS and Local Law Enforcement. A copy of the suspected child abuse or neglect report may be filed with the Department of Human Services, the supervising administrator and the superintendent of schools.

Describe the nature and extent of the suspected child abuse or neglect: _____

Describe any evidence of previous suspected child abuse or neglect: _____

Name of persons present during the interview with this child: _____

Printed Name of Person Filing Report

Printed Name of Supervising Administrator

Signature of Person Filing Report

Signature of Supervising Administrator

For Office Use Only: **Date Received** _____

562. **CRISIS INTERVENTION AND PREVENTION PROGRAM** (Approved 12-4-89)

A. STAFF MEMBERS POLICY AND PROCEDURES

1. Each school site shall have designated individual(s) for staff members to inform if they learn or suspect a student may be suicidal or at risk of death due to illness. This designated individual shall immediately notify the building administrator or his/her designee.
2. At each school site, the principal, or his/her designee shall be the primary person in charge of handling the crisis. However, a back-up person should be named to act in time of crisis in the event of the absence of the principal.
3. The designated person in charge of the crisis situation will immediately inform the parents of the at-risk student's current situation.
4. The school policy will be reviewed with all staff members to insure they follow recommended procedures.
5. The school district will offer inservice for staff members in the recognition of signs and symptoms of at-risk students and will provide current training crisis intervention for crisis team members.

B. DISTRICT WIDE CRISIS TEAM -- MEMBERS

DISTRICT TEAM RESPONSIBILITIES:

1. Act as a resource group for individual building concerns regarding potential crises.
2. Meet when called by the Superintendent and/or Deputy Superintendent in response to a crisis situation which affects the emotional well being of our students and staff.
3. Secure approval from the Superintendent and/or Deputy Superintendent before any action is taken.
4. Coordinate any district actions with other community groups to meet joint school and community crisis needs.
5. Meet with and advise faculty members and administrators on specific procedures to follow in their respective buildings.
6. The Superintendent or his designee will release information to the media, when appropriate, regarding any actions taken by the district and will act as the contact person for the community at large. Internal district inquiries may be directed to him/her or any member of the District Crisis Intervention Team.
7. Provide periodic inservice training to faculty, students and staff.

C. BUILDING CRISIS INTERVENTION TEAMS

The building teams will be made up of staff members and may include the principal or his/her designee, members of the counseling staff, members of the teaching staff, and support staff as deemed appropriate.

D. BUILDING TEAM RESPONSIBILITIES:

1. Act as a resource group for individual building concerns which may result in a crisis situation.
2. Meet when called by the principal and/or district team, in response to a crisis situation which affects the emotional well being of our students and staff.
3. Meet with and advise faculty members and administrators on specific procedures to follow in their respective buildings in the event of a crisis or potential crisis.