

SCHOOL DISTRICT

Series 100

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LEGAL STATUS OF THE SCHOOL DISTRICT

Iowa law authorizes the creation of a Common Schools System. As part of this Common Schools System, this school district is a school corporation created and organized under Iowa law. This school district is known as the Keota Community School District.

This school corporation is located in Keokuk and Washington Counties, and its affairs are conducted by elected school officials, the Keota Community School District Board of Directors. This school corporation has exclusive jurisdiction over school matters in the territory of the school district.

Legal Reference: Iowa Code §§ 274.1, .2, .6, .7; 278.1(9); 279.8; 594A (2011).

Cross Reference: 200 Legal Status of the Board of Directors

Approved: 11/23/09

Reviewed: 1-04-19

Revised:

MISSION STATEMENT

Keota Community Schools: Dedicated to preparing lifelong learners for an ever-changing society.

Approved: 03/13/2014

Reviewed: 1-04-19

Revised:

EDUCATIONAL PHILOSOPHY OF THE SCHOOL DISTRICT

The Keota Community School District is dedicated to promoting an equal opportunity for a quality public education to its students within the limitations of the school district's ability and willingness to furnish financial support.

Keota's educational program promotes a healthy social, intellectual, emotional, and physical self-concept in a learning environment that encourages critical thinking.

The board encourage students to look forward to the time when they will have jobs, families and places in the school district community.

The program should provide for the interests, needs and abilities of all pupils, as well as for the requirements of the community. The program should reflect a multicultural, non-sexist, non-racist learning environment. In order to achieve this goal, the board will seek qualified employees dedicated to development of their professional skills for the betterment of the education program.

Instruction and curriculum are the key elements of a public education. Instruction in critical thinking skills shall be part of a sequentially coordinated curriculum. The school district will strive to prepare students for employment, nurture creative talent, and prepare them to cope with social change.

The home and the school district community are essential to achieve educational excellence. The district strives to create within students an awareness of dignity and worth of the individual, civic responsibility and respect for authority.

Legal Reference: Iowa Code §§ 256.11 (2011).

Cross Reference: 102 Equal Educational Opportunity
103 Educational and Operational Planning
209 Board of Directors' Management Procedures
600 Goals and Objectives of the Education Program
602 Curriculum Development

Approved: 11/23/09

Reviewed: 01-04-19

Revised:

EQUAL EDUCATIONAL OPPORTUNITY

The board will not discriminate in its educational activities on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, gender, disability, religion, age (except for permitting/prohibiting students to engage in certain activities), political party affiliation, actual or potential parental, family or marital status, or genetic information, in accordance with state and federal laws, rules, and regulations.

The board requires all persons, agencies, vendors, contractors and other persons and organizations doing business with or performing services for the school district to subscribe to all applicable federal and state laws, executive orders, rules and regulations pertaining to contract compliance and equal opportunity.

The board is committed to the policy that no otherwise qualified person will be excluded from educational activities on the basis of race, creed color, sex, sexual orientation, gender identity, national origin, gender, disability, religion, age (except for permitting/prohibiting students to engage in certain activities), political party affiliation, actual or potential parental, family or marital status, or genetic information. Further, the board affirms the right of all students and staff to be treated with respect and to be protected from intimidation, discrimination, physical harm and harassment.

Note: The grievance procedure is mandatory. The classes listed are all mandatory. For more detailed discussion of this issue, see IASB's Policy Primer, see IASB's Policy Primer, Vol. 19 #10 – June 8, 2007.

Legal Reference: 20 U.S.C. §§ 1221 et seq. (2010).
 20 U.S.C. §§ 1681 et seq. (2010).
 20 U.S.C. §§ 1701 et seq. (2010).
 29 U.S.C. § 794 (2010).
 42 U.S.C. §§ 12101 et seq. (2010).
 34 C.F.R. Pt. 100 (2010).
 34 C.F.R. Pt. 104 (2010).
 34 C.F.R. [t. 106 (2020).
 Iowa Code §§ 216.9; 256.11, .11A; 280.3 (2011).
 281 I.A.C. 12.

Cross Reference: 101 Educational Philosophy of the School District
 401.1 Equal Employment Opportunity
 500 Objectives for Equal Educational Opportunities
 for Students
 506.1 Student Records

Approved: 11/23/09

Reviewed: 01-04-19

Revised:

NOTICE OF NONDISCRIMINATION

It is the policy of the Keota Community School District not to discriminate on the basis of race, color, national origin, sex, disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender identity, or socioeconomic status (for programs) in any of its education programs, activities, or employment opportunities, pursuant to Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and other applicable state and federal laws. This prohibition on discrimination applies to admission and employment.

The District has adopted grievance procedures for resolving formal and informal Title IX sex discrimination and sexual harassment complaints and other discrimination complaints. Inquiries regarding Title IX of the District's nondiscrimination policy may be referred to the District's Title IX Coordinator: Paul Henely, 500 North Ellis Street, Keota, IA 52248; 641-636-2323; paul.henely@keota.k12.ia.us. Such inquiries may also be referred to the U.S. Department of Education (attn. Assistant Secretary, Office for Civil Rights; 400 Maryland Avenue Southwest, Washington, DC 20202; 800-421-3481; OCR@ed.gov). Inquiries regarding complaints of race, color, national origin, disability, religion, creed, age sexual orientation, gender identity, or genetic information discrimination may be directed to: Jim Henrich; 500 North Ellis St, Keota, IA 52248; (641) 636-3491; jim.henrich@keota.k12.ia.us

(Title) Valli Kempf, teacher

(where located) Keota West Campus

(telephone number) 319-646-6096

who has been designated by the school district to coordinate the school district's efforts to comply with the regulations implementing Title VI, Title VII, Title IX, the ADA, § 504 and Iowa Code 280.3.

GRIEVANCE PROCEDURE

For complaints of sexual harassment, see Code no. 103.R2.

Students, parents of students, employees, and applicants for employment in the school district shall have the right to file a formal complaint alleging discrimination under federal or state regulations requiring non-discrimination in programs and employment. Formal complaints and informal reports of sex discrimination, including sexual harassment, will be referred to the Title IX Coordinator and will be governed by the provisions of Regulation 103.R2.

Level One - Principal, Immediate Supervisor or Personnel Contact Person
(Informal and Optional - may be bypassed by the grievant)

Employees with a complaint of discrimination based upon their gender, race, national origin, religion, age or disability are encouraged to first discuss it with their immediate supervisor, with the objective of resolving the matter informally. An applicant for employment with a complaint of discrimination based upon their gender, race, national origin, religion, age or disability with the personnel contact person.

A student, or a parent of a student, with a complaint of discrimination based upon their gender, race, national origin, religion, marital status or disability are encouraged to discuss it with the instructor, counselor, supervisor, building administrator, program administrator or personnel contact person directly involved.

Level Two - Compliance Officer

If the grievance is not resolved at level one and the grievant wishes to pursue the grievance, the grievant may formalize it by filing a complaint in writing on a Grievance Filing Form, which may be obtained from the Compliance Officer. The complaint shall state the nature of the grievance and the remedy requested. The filing of the formal, written complaint at level two must be within 15 working days from the date of the event giving rise to the grievance, or from the date the grievant could reasonably become aware of such occurrence. The grievant may request that a meeting concerning the complaint be held with the Compliance Officer. A minor student may be accompanied at that meeting by a parent or guardian. The Compliance Officer shall investigate the complaint and attempt to resolve it. A written report from the Compliance Officer regarding action taken will be sent to the involved parties within a reasonable time after receipt of the complaint.

Level Three - Superintendent/Administrator

If the complaint is not resolved at level two, the grievant may appeal it to level three by presenting a written appeal to the superintendent within five working days after the grievant receives the report from the Compliance Officer, the grievant may request a meeting with the Superintendent. The superintendent may request a meeting with the grievant to discuss the appeal. A decision will be rendered by the superintendent within a reasonable time after the receipt of the written appeal. If, in cases of disability grievances at the elementary and secondary level, the issue is not resolved through the grievance process, rather, the parents have a right to an impartial hearing to resolve the issue.

This procedure in no way denies the right of the grievant to file formal complaints with the Iowa Civil Rights Commission, the U.S. Department of Education Office for Civil Rights, the Equal Employment Opportunity Commission, or the Iowa Department of Education for mediation or rectification of civil rights grievances, or to seek private counsel for complaints alleging discrimination.

Level Four - Appeal to Board

If the grievant is not satisfied with the superintendent's decision, the grievant can file an appeal with the board within five working days of the decision. It is within the discretion of the board to determine whether it will hear the appeal.

GRIEVANCE FORM FOR COMPLAINTS OF DISCRIMINATION
OR NON-COMPLIANCE WITH FEDERAL OR STATE REGULATIONS
REQUIRING NON-DISCRIMINATION

(Form 103.E2 may, but need not, be used to file a formal complaint of sex discrimination.)

I, _____, am filing this grievance because

(Attach additional sheets if necessary)

Describe incident or occurrence as accurately as possible:

(Attach additional sheets if necessary)

Signature _____

Address _____

Phone Number _____

If student, name _____ Grade Level _____

SECTION 504 STUDENT AND PARENTAL RIGHTS

The Keota Community School District does not discriminate in its educational programs and activities on the basis of a student's disability. It has been determined that your child has a qualifying disability for which accommodations may need to be made to meet his or her individual needs as adequately as the needs of other students. As a parent, you have the right to the following:

1. participation of your child in school district programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, free of discrimination based upon the student's disability and at the same level as students without disabilities;
2. receipt of free educational services to the extent they are provided students without disabilities;
3. receipt of information about your child and your child's educational programs and activities in your native language;
4. notice of identification of your child as having a qualifying disability for which accommodations may need to be made and notice prior to evaluation and placement of your child and right to periodically request a re-evaluation of your child;
5. inspect and review your child's educational records including a right to copy those records for a reasonable fee; you also have a right to ask the school district to amend your child's educational records if you feel the information in the records is misleading or inaccurate; should the school district refuse to amend the records, you have a right to a hearing and to place an explanatory letter in your child's file explaining why you feel the records are misleading or inaccurate;
6. hearing before an impartial hearing officer if you disagree with your child's evaluation or placement; you have a right to counsel at the hearing and have the decision of the impartial hearing officer reviewed.

Inquiries concerning the school district's compliance with the regulations implementing Title VI, Title IX, the Americans with Disabilities Act (ADA), § 504 or Iowa Code § 280.3 should be directed to: Jim Henrich; 500 North Ellis St., Keota, IA 52248; (641) 636-3491; jim.henrich@keota.k12.ia.us. For questions related to the District's policy against sex discrimination under Title IX, please contact the District's Title IX Coordinator; Paul Henely, 500 North Ellis St., Keota, IA 52248; (641)636-2323; paul.henely@keota.k12.ia.us.

GRIEVANCE PROCEDURE

It is the policy of the *Keota* Community School District not to discriminate on the basis of race, color, national origin, sex, disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender identity and socioeconomic status (for programs) in its educational programs and its employment practices. There is a grievance procedure for processing complaints of discrimination. If you have questions or a grievance related to this policy please contact *Alex Klopfenstein* 505 North Ellis, Keota, IA, 641-636-2323, alex.klopfenstein@keota.k12.ia.us.

Students, parents of students, employees, and applicants for employment in the school district have the right to file a formal complaint alleging discrimination. The district has policies and procedures in place to identify and investigate complaints alleging discrimination. If appropriate, the district will take steps to prevent the recurrence of discrimination and to correct its discriminatory effects on the Complainant and others.

A Complainant may attempt to resolve the problem informally by discussing the matter with a building principal or a direct supervisor. However, the Complainant has the right to end the informal process at any time and pursue the formal grievance procedures outlined below. Use of the informal or formal grievance procedure is not a prerequisite to the pursuit of other remedies. Please note that informal processes and procedures are not to be used in certain circumstances (e.g., sexual harassment and sexual assault).

Filing a Complaint

A Complainant who wishes to avail himself/herself of this grievance procedure may do so by filing a complaint with the equity coordinator(s). An alternate will be designated in the event it is claimed that the equity coordinator or superintendent committed the alleged discrimination or some other conflict of interest exists. Complaints shall be filed within *30 days* of the event giving rise to the complaint or from the date the Complainant could reasonably become aware of such occurrence. The Complainant will state the nature of the complaint and the remedy requested. The equity coordinator(s) shall assist the Complainant as needed.

Investigation

Within *15* working days, the equity coordinator will begin the investigation of the complaint or appoint a qualified person to undertake the investigation (hereinafter “equity coordinator”). If the Complainant is under 18 years of age, the equity coordinator shall notify his or her parent(s)/guardian(s) that they may attend investigatory meetings in which the Complainant is involved. The complaint and identity of the Complainant, Respondent, or witnesses will only be disclosed as reasonably necessary in connection with the investigation or as required by law or policy. The investigation may include, but is not limited to the following:

- A request for the Complainant to provide a written statement regarding the nature of the complaint;
- A request for the individual named in the complaint to provide a written statement;
- A request for witnesses identified during the course of the investigation to provide a written statement;
- Interviews of the Complainant, Respondent, or witnesses;
- An opportunity to present witnesses or other relevant information; and
- Review and collection of documentation or information deemed relevant to the investigation.

Within 30 working days, the equity coordinator shall complete the investigation and issue a report with respect to the findings.

The equity coordinator shall notify the Complainant and Respondent of the decision within 5 working days of completing the written report. Notification shall be by U.S. mail, first class.

Decision and Appeal

The complaint is closed after the equity coordinator has issued the report, unless within 5 working days after receiving the decision, either party appeals the decision to the superintendent by making a written request detailing why he/she believes the decision should be reconsidered. The equity coordinator shall promptly forward all materials relative to the complaint and appeal to the superintendent. Within 30 working days, the superintendent shall affirm, reverse, amend the decision, or direct the equity coordinator to gather additional information. The superintendent shall notify the Complainant, Respondent, and the equity coordinator of the decision within 5 working days of the decision. Notification shall be by U.S. mail, first class.

The decision of the superintendent shall be final.

The decision of the superintendent in no way prejudices a party from seeking redress through state or federal agencies as provided by in law.

This policy and procedures are to be used for complaints of discrimination, in lieu of any other general complaint policies or procedures that may be available.

If any of the stated timeframes cannot be met by the district, the district will notify the parties and pursue completion as promptly as possible.

Retaliation against any person, because the person has filed a complaint or assisted or participated in an investigation, is prohibited. Persons found to have engaged in retaliation shall be subject to discipline by appropriate measures.

NOTE: A school district may have a different coordinator for each law or consolidate the responsibilities under one employee. The Iowa Department of Education encourages districts to have no more than two (2) coordinators: one for employment and one for programs. If the district has more than one coordinator, publications of this policy and notifications must include the name, contact address, contact phone number and email address for each coordinator.

NOTE: The sample grievance procedures include an appeal process that ends with the superintendent. If the board chooses to have a different practice that involves the board in these grievance procedures, the procedures should be updated to reflect this practice.

NOTE: The Office for Civil Rights requires that the procedures must designate reasonably prompt time frames for the major stages of the complaint process. The number listed in the italic brackets for each stage includes suggested time frames based on guidance from both the United States Office for Civil Rights and the Iowa Department of Education. Districts should ensure that the time frames selected are reasonable for the individual district.

NOTE: Some conduct that falls under a school's equal educational opportunity policy also may trigger responsibilities under the state's anti-bullying/anti-harassment laws. By limiting the response to a specific application of its equal educational opportunity policy and the accompanying grievance procedures, a school may fail to properly consider whether the alleged conduct also results in bullying and/or harassment.

TITLE IX GRIEVANCE PROCEDURES

I. REPORTING SEX DISCRIMINATION

Any persons may report sex discrimination, including sexual harassment, to the Title IX Coordinator. A report may be made whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. A report may be made in person, by mail, by telephone, by electronic mail or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic address, or by mail to the office address, listed below for the Title IX Coordinator,

Paul Henely
500 North Ellis Street, Keota, IA 52248
641-636-2323
paul.henely@keota.k12.ia.us

The District, through its Title IX Coordinator, will respond promptly, reasonably, and equitably to all reports of sex discrimination, including sexual harassment, occurring in its educational programs or activities and against a person in the United States.

For purposes of this procedure, "sexual harassment" means conduct on the basis of sex that involves:

- A District employee conditioning District aid, benefits, or services on an individual's participation in
Unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking as defined by the statutes cited in 34 C.F.R. § 106.30.

For purposes of this procedure, "education program or activity" includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

In response to any report of sex discrimination, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures. Supportive measures are available with or without filing a formal complaint. The Title IX Coordinator will also consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

II. SUPPORTIVE MEASURES

The range of supportive measures available to complainants and respondents may include:

- counseling,
- extensions of deadlines or other course-related adjustments,
- modifications of work or class schedules,
- campus escort services,
- mutual restrictions on contact between the parties,
- changes in work or housing locations,
- leaves of absence,
- increased security and monitoring of certain areas of the campus.
- and other similar measures as deemed appropriate by the Title IX Coordinator after considering
the wishes of complainant and the facts and circumstances of the complaint.

The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.

III. SANCTIONS

Disciplinary sanctions cannot be imposed against a respondent unless a formal complaint is filed, and the grievance procedure described below is completed. Possible disciplinary sanctions that may be implemented following a determination of responsibility include but are not limited to any of the disciplinary measures described in chapter 503 of these policies, up to and including expulsion.

IV. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT

Title IX Grievance Process Generally

The District will apply this Title IX Grievance process whenever a formal complaint of sexual harassment is filed with the Title IX Coordinator. A “formal complaint of sexual harassment” is any document filed by a person alleging to be a victim of conduct that could constitute sexual harassment (“complainant”) or signed by the Title IX Coordinator. It does not need to be filed in paper form. It also does not need to be signed by the complainant, but it must indicate that the complainant is the person filing the complaint.

The grievance process is designed to restore or preserve a complainant’s and respondent’s equal access to the District’s education programs and activities. Remedies may include supportive measures for the complainant as well as disciplinary sanctions against the respondent.

In investigating and resolving formal complaints under this grievance process. The District will observe the following requirements:

- The District shall evaluate all relevant evidence – including both inculpatory and exculpatory evidence. The District will not judge a person’s credibility based on their

status as a complainant, respondent, or witness. Furthermore, the district will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The Title IX Coordinator and any person designated as an investigator, initial decision-maker, appellate decision-maker, or informal resolution facilitator will promote an impartial investigation and adjudication, will not have a conflict of interest with any party to the complaint, and will not hold a bias for or against any party to the complaint. They will not rely on sex stereotypes in performing their duties under this procedure. These persons shall also be appropriately trained regarding this grievance procedure, necessary technology, and applicable laws and regulations.

The respondent to a formal complaint of sexual harassment is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The standard of proof for determining responsibility will be a preponderance of the evidence. This standard shall apply whether the respondent is a student or an employee.

The District has prescribed procedural deadlines throughout the grievance process in order to ensure the reasonably prompt resolution of a complaint, including reasonably promote resolution of any appeal and any informal resolution procedures. However, the District may permit a temporary delay of the grievance process or the limited extension of these deadlines for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. A written request for a delay or extension of such deadlines may be submitted to the Title IX Coordinator by either party prior to the lapse of the applicable deadline. Whether to grant an extension of time is a discretionary decision of the Title IX Coordinator and is not a basis for appeal.

Notice of Allegations

Within five (5) days after receiving of a formal complaint, the District will provide a written Notice of Allegations to the parties who are known. In addition to other information required by law, the Notice of Allegations will include a description of this grievance process, including any informal resolution process; the names of the parties involved in the incident; a statement of the conduct allegedly constituting sexual harassment; and the date and location of the alleged incident, if known.

Administrative Dismissal

The District will dismiss a formal complaint if, at any time following the receipt of a formal complaint, the District determines that:

- the conduct alleged would not constitute “sexual harassment” as defined by this policy even if proved
- the conduct alleged did not occur in the district’s educational program or activity,
- the conduct alleged did not occur against a person in the United States,
- the complainant notifies Title IX Coordinator in writing of desire to withdraw formal complaint.

- the respondent is no longer enrolled or employed by the District, or
- specific circumstances prevent the District from gathering evidence sufficient to reach a determination.

The District will promptly notify the parties of an administrative dismissal and the reason for the dismissal.

Informal Resolution

Some formal complaints may be resolved through an informal resolution process. If the parties agree to participate in an informal resolution process, the Title IX Coordinator work with parties to reach a mutually agreeable resolution without completing the full Title IX grievance procedure. The informal resolution process is voluntary process and may be attempted at any stage of this procedure prior to the issuance of a determination of responsibility. A party shall not be punished or disadvantaged in any way for declining to participate in an informal resolution process.

The manner of the informal resolution process will be determined on a case-by-case basis by the Title IX Coordinator, who will consider the suggestions of the parties. The informal resolution process may include but is not limited to a conference with the Title IX coordinator, or mediation facilitated by a trained third-party. Before an informal resolution process is commenced, the Title IX Coordinator will provide a written notice disclosing the manner of the informal resolution process, the effects of the process on the formal grievance procedure, and the rights of the parties to withdraw from the informal resolution process. The parties must then consent to the informal resolution process in writing.

At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

Informal resolution is NOT available for formal complaints alleging an employee sexually harassed a student. Additionally, the District cannot facilitate an informal resolution between a complainant and respondent unless a formal complaint has been filed.

Investigation of the Complaint

It is the District's duty to gather evidence sufficient to make a determination of responsibility with respect to each of the allegations described in the Notice of Allegations. The Title IX Coordinator or an impartial District employee designated by the Title IX Coordinator will perform the investigation, which may include interviewing the parties and other witnesses; obtaining documents, data, or other materials; and reviewing any other evidence related to the allegations of the formal complaint. The investigator will not access or consider a party's medical or mental health records without written consent from the party or the party's parent, as required by law.

The parties will be allowed an equal opportunity to provide additional evidence to the investigator or refer the investigator to additional witnesses.

The District shall not prohibit the parties from discussing the allegations of the formal complaint or gathering and presenting additional evidence to the investigator.

Furthermore, either party is entitled to the presence of an advisor – who may or may not be an attorney – during any investigative interview or other grievance proceeding for which the party’s attendance is invited or required. The party and their advisor will be provided written notice of the date, time, and location of any such proceeding and reasonable time to prepare to participate. However, the District may, at its discretion, limit equally for both parties the extent of the advisor’s participation.

Unless additional time for a full and fair investigation is deemed necessary by the Title IX Coordinator the investigator or granted to a party upon a showing of good cause, the District will strive to complete its investigation within sixty (60) days after receiving of a formal complaint. At the conclusion of the investigation, the District will provide both parties and any advisors a copy of all evidence gathered by the District that is directly related to the allegations in the formal complaint for inspection and review. The evidence may be provided to the parties in electronic or paper form. Both parties will be allowed ten (10) days to submit a written response to the evidence gathered. After considering any written responses, the investigator will provide the parties and their advisors with a written Investigative Report that fairly summarizes the relevant evidence.

The parties will be allowed an additional ten (10) days to submit a written response to the Investigative Report prior to any determination of responsibility. The District will also allow each party an opportunity to submit written, relevant questions that a party wants asked of any party or witness; provide each party with the answers; and allow for additional, limited follow-up questions from each party. Questions about a complainant’s sexual predisposition or prior sexual behavior are not allowed unless such questions are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

Determination of Responsibility

The Title IX Coordinator will designate a decision-maker to review the Investigative Report as well any written responses, questions, and answers submitted with regard to the Investigative Report. The decision-maker must be a different person than the Title IX Coordinator and the investigator. The Title IX Coordinator shall designate any individuals who have received appropriate training as the decision-maker for all Title IX grievances.

The decision-maker will issue a reasonable prompt written determination of responsibility regarding the allegations listed in the Notice of Allegations, which will include all information required by law. This determination will be based on the Investigative Report and any responses, questions, and answers submitted. The written determination will be provided simultaneously to both parties. The Title IX Coordinator will be responsible for effective implementation of any remedies imposed by the decision-maker.

Appeals

Either party may appeal a determination regarding responsibility or the administrative dismissal of a formal complaint by filing a written request for appeal with the Title IX Coordinator within five (5) days after receiving notice of the determination or dismissal. The request must state the basis for the appeal, which must be one of the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias that affected the outcome of the matter.

An appeal that is not based on one of the foregoing grounds will be administratively dismissed. Likewise, an untimely appeal will be administratively dismissed unless there is good cause for the filing delay. Whether good cause exists is in the discretion of the Title IX Coordinator.

The Title IX Coordinator will notify the other party in writing that an appeal has been filed and will designate an appellate decision-maker to decide the appeal who must not be the complaint investigator, the Title IX Coordinator, or the same person who reached the determination regarding responsibility or dismissal below. The Title IX Coordinator shall designate any individuals who have received appropriate training as the appellate decision-maker for all Title IX grievances.

Both parties will be allowed ten (10) days following the notice of appeal to submit a written statement to the appellate decision-maker supporting or opposing the outcome below. The appellate decision-maker will consider these statements as well as the Investigative Report and any questions, and answers submitted to the initial decision-maker. The appellate decision-maker will then issue a written decision describing the result of the appeal and the rationale in a reasonably prompt manner. The decision will be provided to the parties simultaneously.

RECORDKEEPING AND CONFIDENTIALITY

For a period of seven (7) years, the District will retain the records of each sexual harassment investigation, including any written initial or appellate determination; any documentation regarding any disciplinary sanctions or remedies imposed; and any informal resolution and the result thereof. The District will also retain all materials used to train the District personnel involved in administering this grievance procedure. The District will also retain for a period of seven (7) years records of any actions, including supportive measures, taken in response to a report of sexual harassment that is not filed as a formal complaint.

The District will keep confidential the identity of any individual who has made a report of complaint of sexual harassment, any individual who has been reported for sexual

harassment, any respondent, and any witness, except as necessary to carry out this grievance procedure and to satisfy the District's duties under the Family Educational Rights and Privacy Act (FERPA) or any other applicable law.

RETALIATION

Intimidating, threatening, coercing, discriminating, or otherwise retaliating against any individual because they have made a report or complaint testified, assisted, or participated or refused to participate in an investigation proceeding or hearing under this policy is prohibited.

Reference: 34.C.F.R. Part 106.

NOTICE OF SECTION 504 STUDENT AND PARENTAL RIGHTS

The *Keota Community School* does not discriminate in its educational programs and activities on the basis of a student's disability. It has been determined that your child has a qualifying disability for which accommodations may need to be made to meet his or her individual needs as adequately as the needs of other students. As a parent, you have the right to the following:

- Participation of your child in school district programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, free of discrimination based upon the student's disability and at the same level as students without disabilities;
- Receipt of free educational services to the extent they are provided students without disabilities;
- Receipt of information about your child and your child's educational programs and activities in your native language;
- Notice of identification of your child as having a qualifying disability for which accommodations may need to be made and notice prior to evaluation and placement of your child and right to periodically request a re-evaluation of your child;
- Inspect and review your child's educational records including a right to copy those records for a reasonable fee; you also have a right to ask the school district to amend your child's educational records if you feel the information in the records is misleading or inaccurate; should the school district refuse to amend the records, you have a right to a hearing and to place an explanatory letter in your child's file explaining why you feel the records are misleading or inaccurate; and
- Hearing before an impartial hearing officer if you disagree with your child's evaluation or placement; you have a right to counsel at the hearing and have the decision of the impartial hearing officer reviewed.

It is the policy of the *Keota Community School District* not to discriminate on the basis of race, color, national origin, sex, disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender identity and socioeconomic status (for programs) in its educational programs and its employment practices. There is a grievance procedure for processing complaints of discrimination. If you have questions or a grievance related to this policy please contact *Alex Klopfenstein, 505 North Ellis, Keota, Ia, 641-636-2323, alex.klopfenstine.k12.ia.us*

LONG-RANGE NEEDS ASSESSMENT

Long-range needs assessment enables the school district to analyze assessment data, get feedback from the community about its expectation of students and determine how well students are meeting student learning goals. The board will conduct ongoing and in-depth needs assessment, soliciting information from business, labor, industry, higher education and community members, regarding their expectations for adequate student preparation.

In conjunction with the in-depth needs assessment of the school district, the board will authorize the appointment of a committee, representing administrators, employees, parents, students and community members, to make recommendations and assist the board in determining the priorities of the school district in addition to the basic skills areas of the education program.

This committee will be called the School Improvement Advisory Committee and will meet periodically throughout the school year.

It is the responsibility of the superintendent to ensure the school district community is informed of students' progress on state and locally determined indicators. The superintendent will report annually to the board about the means used to keep the community informed.

As a result of the board and committee's work, the board will determine major educational needs and rank them in priority order; develop long-range goals and plans to meet the educational needs; establish and implement short-range and intermediate-range plans to meet the goals and to attain the desired levels of student performance; evaluate progress toward meeting the goals and maintain a record of progress under the plan that includes reports of student performance and results of school improvement projects; and annually report the school district's progress made under the plan to the committee, community and Iowa Department of Education.

Legal Reference: Iowa Code §§ 21; 256.7; 280.12, .18 (2011).
281 I.A.C. 12.8(1)(b).

Cross Reference: 101 Educational Philosophy of the School District
200 Legal Status of the Board of Directors
208 Committees of the Board of Directors
603.1 Basic Instruction Program
801.1 Buildings and Sites Long Range Planning
801.2 Buildings and Sites Surveys

Approved: 12/10/09

Reviewed: 01-04-19

Revised:

ANTI-BULLYING/HARASSMENT POLICY

Harassment and bullying of students and employees are against federal, state and local policy, and are not tolerated by the board. The board is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. To that end, the board has in place policies, procedures, and practices that are designed to reduce and eliminate bullying and harassment as well as processes and procedures to deal with incidents of bullying and harassment. Bullying and harassment of students by other students, by school employees, and by volunteers who have direct contact with students will not be tolerated in the school or school district.

The board prohibits harassment, bullying, hazing, or any other victimization, of students, based on any of the following actual or perceived traits or characteristics, including but not limited to, age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status. Harassment against employees based upon the employee's race, color, creed, sex, sexual orientation, gender identity, national origin, religion, age, disability or genetic information is also prohibited.

Student Bullying and Harassment

When looking at the totality of the circumstances, harassment and bullying mean any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions:

1. Places the student in reasonable fear of harm to the student's person or property;
2. Has a substantially detrimental effect on the student's physical or mental health;
3. Has the effect of substantially interfering with the student's academic performance, or;
4. Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

"Electronic" means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic" includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, electronic text messaging or similar technologies.

Harassment and bullying may include, but are not limited to, the following behaviors and circumstances:

1. Verbal, nonverbal, physical or written harassment, bullying, hazing, or other victimization that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim,
2. Repeated remarks of a demeaning nature that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;

3. Implied or explicit threats concerning one's grades, achievement, property, etc. that have the purpose or effect of causing injury, discomfort, fear or suffering to the victim;
4. Demeaning jokes, stories, or activities directed at the student that have the purpose or effect of causing injury, discomfort, fear or suffering to the victim; and/or
5. Unreasonable interference with a student's performance or creating of an intimidating, offensive, or hostile learning environment.
6. Conduct including but not limited to "sexual behavior" as defined under Code No 103.R2 (bullying may also include harassment on the basis of sex that does not constitute "sexual harassment" under Code No 103.R2)

In situations between students and school officials, faculty, staff, or volunteers who have direct contact with students, bullying and harassment may also include the following behaviors:

1. Requiring that a student submit to bullying or harassment by another student, either explicitly or implicitly, as a term or condition of the targeted student's education or participation in school programs or activities; and/or,
2. Requiring submission to or rejection of such conduct as a basis for decisions affecting the student.

This policy is in effect while students or employees are on property within the jurisdiction of the board; while on school-owned or school-operated vehicles; while attending or engaged in school sponsored activities; and while away from school grounds if the misconduct directly affects the good order, efficient, management and welfare of the school or school district.

Any person who promptly, reasonably, and in good faith reports an incident of bullying or harassment under this policy to a school official, shall be immune from civil or criminal liability relating to such report and to the person's participation in any administrative, judicial, or other proceeding relating to the report. Individuals who knowingly file a false complaint may be subject to appropriate disciplinary action.

If, after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures which may include suspension or expulsion. If after an investigation a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures which may include termination. If after an investigation a school volunteer is found to be in violation of this policy the volunteer shall be subject to appropriate measures which may include exclusion from school grounds. "Volunteer" means an individual who has regular, significant contact with students.

Employee Harrassment

Harrasment of employees means any unwelcome conduct toward an employee which is based on the employee's membership in a protected class and which creates an objectively hostile work environment., It can include sexual harassment or other forms of harassment.

- A. Sexual Harassment: Sexual harassment consists of unwelcome and unsolicited

sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal, physical or written conduct or communication of a sexual nature when:

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

Examples of conduct that may constitute sexual harassment may include, but are not limited to:

1. Unwelcome verbal harassment or abuse, or unwelcome written harassment or abuse, including through the Internet or e-mail;
 2. Unwelcome sexual advances or pressure for sexual activity;
 3. Unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact, other than necessary restraint of students by teachers, administrators or other school personnel to avoid physical harm to persons or property,
 4. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment status or implied or over promises of preferential treatment with regard to an individual's employment status;
 5. Unwelcome behavior or words directed at an individual because of gender;
 6. Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
 7. Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
 8. Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another;
 9. Graffiti of a sexually offensive nature;
 10. Sexual gestures or jokes; or
 11. Spreading rumors about or rating other individuals as to sexual activity or performance.
- B. Harassment: Other forms of harassment consist of physical, verbal or written conduct relating to an individual's age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, disability, or genetic information when the conduct:
1. Has the purpose or effect of creating an intimidating, hostile or offensive employment environment
 2. Has the purpose or effect of substantially or unreasonably interfering with an individual's employment performance; or
 3. Otherwise adversely affects an individual's employment opportunities.

Examples of conduct that may constitute harassment based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, disability, or genetic information include, but are not limited to:

1. Threatening or intimidating conduct directed at others because of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, disability, or genetic information, including through the Internet or e-mail;
2. Slurs, negative stereotypes and hostile acts based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, disability, or genetic

information;

3. Otherwise adversely affects an individual's employment opportunities.

Examples of conduct that may constitute harassment based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, disability, or genetic information include but are not limited to:

1. Threatening or intimidating conduct directed at others because of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, disability, or genetic information, including through the Internet or email;
2. Slurs, negative stereotypes and hostile acts based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, disability, or genetic information;
3. Graffiti containing offensive language that is derogatory to others because of their age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, disability, or genetic information;
4. Written or graphic material containing comments or stereotypes which is posted or circulated (including through e-mail or the Internet) and which is aimed at degrading individuals because of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, disability, or genetic information; or
5. A physical act of aggression or assault upon another because of, or in a manner reasonably related to, the individual's age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, disability, or genetic information.

General Considerations

Retaliation against any person, because the person has filed a bullying or harassment complaint or assisted or participated in a harassment investigation or proceeding, is also prohibited. Individuals who knowingly file false harassment complaints and any person who gives false statements in an investigation shall be subject to discipline by appropriate measures, as shall any person who is found to have retaliated against another in violation of this policy. Any student found to have retaliated in violation of this policy shall be subject to measures up to, and including, suspension and expulsion. Any school employee found to have retaliated in violation of this policy shall be subject to measures up to, and including, termination of employment. Any school volunteer found to have retaliated in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

The school or school district will promptly and reasonably investigate allegations of bullying or harassment. The principal or designee will be responsible for handling all complaints by students alleging bullying or harassment. The principal or designee will be responsible for handling all complaints by employees alleging harassment. The Superintendent will serve as the alternate investigator. Formal complaints and informal reports of bullying constituting sexual harassment will be referred to the Title IX Coordinator and will be governed by the provisions of Code No. 103.R2.

It also is the responsibility of the superintendent, in conjunction with the investigator and principals, to develop procedures regarding this policy. The superintendent also is responsible for organizing training programs for students, school officials, faculty, staff, and volunteers who

have direct contact with students. The training will include how to recognize harassment and what to do in case a student is harassed. It will also include proven effective harassment prevention strategies. The superintendent will also develop a process for evaluating the effectiveness of the policy in reducing bullying and harassment in the school district.

The board will annually publish this policy. The policy may be publicized by the following means:

1. Inclusion in the student handbook,
2. Inclusion in the employee handbook
3. Inclusion in the registration materials
4. Inclusion on the school or school district's web site,

and a copy shall be made to any person at the central administrative office at P.O. Box 88, Keota, IA 52248.

Code No.105

Page 4

Legal References: 20 U.S.C. §§ 1221-1234i (2010).
29 U.S.C. § 794 (2010).
42 U.S.C. §§ 2000d- 2000d-7 (2010)
42 U.S.C. §§ 12101 *et. seq.* (2010)
Iowa Code §§ 216.9; 280.28; 280.3 (2011).
281 I.A.C. 12.3(6).
Morse v. Frederick, 127 S.Ct. 2618 (2007)

Cross References: 502 Student Rights and Responsibilities
503 Student Discipline
506 Student Records

Approved: 11/23/09

Reviewed: 01-04-19

Revised:

KEOTA COMMUNITY SCHOOL DISTRICT
ANTI-BULLYING/HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Name of alleged harasser
Or bully: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of harassment or bullying, i.e., letters, photos, etc. (attach evidence if Possible): _____

What complainant has done to try and stop harassment: _____

Any other information: _____

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

Signature: _____

Date: _____

(This form may, but need not, be used to file a complaint of sex discrimination. See Code No 103.R2)

KEOTA COMMUNITY SCHOOL DISTRICT
ANTI-BULLYING/HARASSMENT WITNESS DISCLOSURE FORM

Name of witness: _____

Position of witness: _____

Date of testimony, interview: _____

Description of incident witnessed: _____

Any other information: _____

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

Signature: _____

Date: _____

KEOTA COMMUNITY SCHOOL DISTRICT
ANTI-BULLYING/HARASSMENT COMPLAINT FORM
INVESTIGATOR FINDINGS
(To be completed by the Principal or Superintendent)

Name of investigator: _____

Dates investigated: _____

Notes:

- Findings: _____ Complaint was unfounded
- _____ Complaint did not meet the definition of harassment in policy
- _____ Complaint met definition of harassment (check all that apply)
- _____ Places the student in reasonable fear of harm to the student's person or property
- _____ Has a substantially detrimental effect on the student's physical or mental health
- _____ Has the effect of substantially interfering with the student's academic performance
- _____ Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school

Basis of harassment (circle all that apply)

- | | | |
|-----------------|---------------------|--------------------|
| Age | Color | Creed |
| National Origin | Race | Religion |
| Marital Status | Gender | Sexual Orientation |
| Gender Identity | Physical Attributes | Disability |
| Ancestry | Political Party | Political Belief |
| SES | Familial Status | |

ASSISTANCE ANIMALS

It is the policy of *Keota* to foster an equal education environment for all students, employees and community members within the district. The purpose of this policy is to provide guidance to the district on the proper use of assistance animals while on district property. The district shall allow the use of qualified service animals and assistive animals to accompany individuals with disabilities in all areas of district buildings where the public is normally allowed to go. This can include classrooms, cafeteria and school buses. Individuals with disabilities are people who have a physical or mental impairment that substantially limits one or more major life activities. Service animals are dogs and in some instances miniature horses trained to do work or perform tasks for individuals with disabilities. Assistive animals are simians or any other animal specially trained or in the process of being trained to assist a person with a disability.

Service animals and assistive animals must be current on all required vaccinations. Service animals and assistive animals also must be under control while on district grounds. The animal may be under control by either the individual with a disability, or a handler of the service or assistive animal. Under control means harnessed, leashed or tethered, unless these devices interfere with the animal's work, in which case under voice or other directive control.

Miniature Horses as Service Animals

Miniature horses shall be allowed as service animals within the district whenever it is reasonable to allow them. Factors to consider when determining reasonableness include: whether the miniature horse is house broken; whether the miniature horse is under the owner's control; whether the facility can accommodate the miniature horse's type, size and weight; and whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

Establishing the Need for a Service Animal

When no prior notice is given to the district of the use of a service or assistive animal, the Superintendent and/or school administrators are permitted to ask the following questions:

"Do you need/require this animal because of a disability?"

If the animal's trained tasks are not readily apparent, the administrator may ask:

"What work or task has the animal been trained to perform?"

Service and Assistive Animals in training

Assuming the handler and animal are otherwise allowed, individuals who train service and/or assistive animals will also be allowed access with their service animal in training to public areas of district buildings and property. The service or assistive animal in training is expected to abide by the same requirements as a service or assistive animal.

Exclusion of Service and Assistive Animals

In certain limited circumstances, it may be reasonable to exclude the use of a service or assistive animal from district property. The Superintendent is permitted to exclude service and assistive animals from district buildings and property in the following circumstances: The presence of the animal poses a direct threat to the health and safety of others; the owner or handler is unable to control the animal; the animal is not house broken; the presence of the animal significantly disrupts or interferes with the

educational process; or the presence of the animal would require a fundamental alteration to the program. If a service animal is properly excluded from district property, the district shall provide the

student served by the animal the opportunity to participate in the program, service or activity without having the service animal on district property.

Emotional Support Animals and Therapy Animals [Optional section as these animals are not commonly required to be accommodated]

Emotional support animals are medically prescribed to provide therapeutic benefit through dedicated companionship. Emotional support animals' sole function is to provide emotional support or comfort.

Therapy animals are involved in an animal-assisted therapy program involving animals as a form of treatment.

Emotional support animals and therapy animals do not meet the definition of service or assistive animals. However, the district recognizes their value in our community. The superintendent shall evaluate the use of emotional support animals and therapy animals on a case-by-case basis. District employees may use therapy animals in the course of their regular duties only after receiving permission from the superintendent.

Student use of Emotional Support Animals and Therapy Animals

Factors the superintendent should consider in making the determination include but are not limited to:

- a. Whether the animal is housebroken*
- b. Whether the animal has a current vaccination certificate*
- c. Whether the animal has been recommended through an individual education plan (IEP) or a 504 plan as necessary for the student to receive free access to public education*
- d. Whether the facility can accommodate the animal's type size and weight, and*
- e. Whether the animal's presence will not compromise legitimate safety requirements necessary for safe operation of the facility*

Employee use of Therapy Animals as part of Education Environment

Before permission to use therapy animals is granted, staff members must provide:

- 1. Proof that the animal is certified to be a therapy animal;*
- 2. An explanation of how the animal will be used, including research supporting the use of therapy animals;*
- 3. A plan for how the staff member will provide for the care and control of the animal;*
- 4. A plan for how the staff member will accommodate students with allergies to the animal; and*
- 5. A current vaccination certificate for the animal.*

Legal References: 29 U.S.C. §794
 42 U.S.C. §12132
 28 C.F.R. 35
 Iowa Code §216C

Cross References: 606.3 Animals in the Classroom

NOTE: The use of service and assistive animals is a civil right established by federal and state laws. However, the use of emotional support and therapy animals does not necessarily have the same legal protections. The portion of this policy in italics reflects optional language for your district to consider.

Approved 01-10-19

Reviewed _____

Revised