

NONDISCRIMINATION

There will be no discrimination in the district because of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information in its programs, services, activities and employment. The district also provides equal access to the Boy Scouts of America and other designated youth groups. The following people have been designated to handle inquiries regarding the district's non-discrimination policies:

Section 504/Title II of the Americans with Disabilities Act Coordinator (disability)

Brian Hummingbird, High School Principal
Jeramy Branchcomb, Middle School Principal
Alan Gordon, Elementary School, Principal
Warner Public Schools
1012 5th Avenue
Warner, OK 74469-9701
918-463-5171

Title VI of the Civil Rights Act Coordinator (race, color and national origin)

Brian Hummingbird, High School Principal
Jeramy Branchcomb, Middle School Principal
Alan Gordon, Elementary School, Principal
Warner Public Schools
1012 5th Avenue
Warner, OK 74469-9701
918-463-5171

Title IX Coordinator (sex, pregnancy, gender, gender expression or identity)

Brian Hummingbird, High School Principal
Jeramy Branchcomb, Middle School Principal
Alan Gordon, Elementary School, Principal
Warner Public Schools
1012 5th Avenue
Warner, OK 74469-9701
918-463-5171

Age Act Coordinator (age)

Brian Hummingbird, High School Principal
Jeramy Branchcomb, Middle School Principal
Alan Gordon, Elementary School, Principal
Warner Public Schools

1012 5th Avenue
Warner, OK 74469-9701
918-463-5171

Any individual, who has experienced some other form of discrimination, including discrimination not listed above, may contact:

Brian Hummingbird, High School Principal
Jeramy Branchcomb, Middle School Principal
Alan Gordon, Elementary School, Principal
Warner Public Schools
1012 5th Avenue
Warner, OK 74469-9701
918-463-5171

Outside Assistance may be obtained from:

U.S. Department of Education
Office for Civil Rights
One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, MO 64106
(816) 268-0550
(816) 268-0599 (Fax)
(877) 521-2172 (TTY)
E-mail: OCR.KansasCity@ed.gov

**GRIEVANCE PROCEDURE FOR
FILING, PROCESSING AND RESOLVING COMPLAINTS ALLEGING
DISCRIMINATION, HARASSMENT, AND RETALIATION**

Definitions

Complaint: A written or verbal complaint alleging any action, policy, procedure or practice that discriminates on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment and retaliation).

Grievant: Any person enrolled in or employed by the district or a parent, guardian, or member of the public who submits a complaint alleging discrimination based on race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment or retaliation). For purposes of this policy, a parent or guardian's complaint or grievance shall be handled in the same manner as a student's complaint would be.

Coordinator(s): The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act and any other state and federal laws addressing equal educational opportunity. The Coordinator under Title VI, IX, Section 504/Title II and the Age Act is responsible for processing complaints and serves as moderator and recorder during hearings. The Coordinator of each statutory scheme may be the same person or different persons, but each coordinator will receive relevant training in order to perform his/her duties.

Section 504/Title II Coordinators (for questions or complaints based on disability)

Brian Hummingbird, High School Principal
Jeremy Branchcomb, Middle School Principal
Alan Gordon, Elementary School, Principal
Warner Public Schools
1012 5th Avenue
Warner, OK 74469-9701
918-463-5171

Title VI Coordinators (for questions or complaints based on race, color and national origin)

Brian Hummingbird, High School Principal
Jeremy Branchcomb, Middle School Principal
Alan Gordon, Elementary School, Principal

Warner Public Schools
1012 5th Avenue
Warner, OK 74469-9701
918-463-5171

Title IX Coordinators (for questions or complaints based on sex, pregnancy, gender, gender expression or identity)

Brian Hummingbird, High School Principal
Jeramy Branchcomb, Middle School Principal
Alan Gordon, Elementary School, Principal
Warner Public Schools
1012 5th Avenue
Warner, OK 74469-9701
918-463-5171

Age Act Coordinators (for questions or complaints based on age)

Brian Hummingbird, High School Principal
Jeramy Branchcomb, Middle School Principal
Alan Gordon, Elementary School, Principal
Warner Public Schools
1012 5th Avenue
Warner, OK 74469-9701
918-463-5171

Any individual who has experienced some other form of discrimination, including discrimination not listed above, may contact:

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Respondent: The person alleged to be responsible for the alleged discrimination contained in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

Day: Day means a working day when the district's main administrative offices are open. The calculation of days in complaint processing shall exclude Saturdays, Sundays and legal holidays.

Pre-Filing Procedures

Prior to the filing of a written complaint, the student or employee is encouraged to visit with the building principal or the District's Title IX, ADA, Title VI and VII or 504 Coordinator, as applicable, and reasonable effort should be made at this level to resolve the problem or complaint.

Informal Resolutions

If the District Coordinator believes informal resolution is appropriate for a disclosed problem or a filed complaint, he or she will notify the complaining party of the availability of informal resolution. Participation in informal resolution is not required by the District and informal resolution will not require that the allegation be resolved directly with an alleged harasser without the District Coordinator. Informal resolution will not be permitted in instances where there is an alleged instanced of sexual assault. If both the complaining party and the alleged harasser voluntarily agree to informal resolution after allegations are fully disclosed and both parties are informed of their right to proceed with a grievance, the district may initiate informal proceedings to resolve the problem or complaint. Either party may terminate informal proceedings at any time in favor of proceeding with a grievance. All timeframes under the grievance procedure will toll while the problem or complaint is pending informal resolution.

Filing, Investigation, Hearing and Review Procedures

The Grievant submits a written or verbal complaint to the Coordinator, as applicable, stating the basis, nature and date of the alleged discrimination, harassment or retaliation, the names of persons responsible (where known) and requested action. If the applicable Coordinator is the person alleged to have committed the discriminatory act(s), then the complaint should be submitted to the superintendent for assignment. Complaint forms are available from the offices of the district's Coordinators.

The Coordinator conducts a complete and impartial investigation within 10 days of receiving the complaint, to the extent reasonably possible, which shall include but not be limited to, interviewing the Grievant and any witnesses, review of documents and interviewing the Respondent. The Coordinator will ask the Respondent to (a) confirm or deny facts; (b) indicate acceptance or rejection of the Grievant's requested action; and (c) outline alternatives.

The Coordinator will not delay the investigation of the discrimination complaint, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations, and the Coordinator will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by the district's grievance policy.

As to complaints of discrimination by students, parents or guardians and school employees, the Coordinator will disclose the complaint, the identity of the Grievant and information regarding the person who allegedly committed the discriminatory act only to the extent necessary to fully investigate the complaint and only when the disclosure is required or permitted by law. If a Grievant wishes to remain anonymous, the Coordinator will advise him or her that such confidentiality may limit the district's ability to fully respond to the complaint. If a Grievant asks to remain anonymous, the Coordinator will still proceed with the investigation.

To minimize risks to the integrity of the investigation, the District prohibits individuals—including witnesses and/or parents or guardians—from posting, sharing or publicizing information regarding the investigation or the underlying events. This prohibition expressly includes releasing information via social media. Provided, however, neither the district nor the Coordinator will restrict the ability of either the Grievant or Respondent to discuss the

investigation with legal representation, law enforcement, and/or, if Grievant or Respondent is a student, his or her parents or guardians.

Within 5 days after completing the investigation, the applicable coordinator will issue a written decision to the Grievant and Respondent. The report will include (a) a summary of facts, (b) an analysis of the appropriate legal standards applied to the facts, and (c) findings regarding whether the alleged discrimination occurred. If a finding is made that discrimination occurred, the Coordinator's report shall also contain (a) recommended interim and permanent steps, including examples of the range of possible disciplinary sanctions and remedies available to address the discriminatory effects on the grievant and other, necessary to eliminate the discrimination, prevent its reoccurrence, and remedy its effects, as well as (b) the resources, including medical and counseling resources, that are available to students and witnesses. The decision will be based on a preponderance of evidence standard (i.e., it is more likely than not that the alleged discrimination occurred).

If the Grievant or Respondent is not satisfied with the decision, he or she must notify the applicable Coordinator, in writing, within 5 days and request an appeal to the superintendent. The written appeal shall contain a specific statement explaining the basis for the appeal.

Within 5 days after receiving the appeal request, the applicable Coordinator will refer the matter to the superintendent for a hearing. The Grievant and Respondent will be afforded similar rights (i.e., timely access to information that will be used at the hearing, opportunity to present his or her side of the story, presentation of character witnesses, review of party statements). If the superintendent is the person alleged to have committed the discriminatory act(s), then a different decision maker will be appointed to maintain impartiality. The Coordinator will schedule the hearing with the Grievant, the Respondent and the superintendent. Advanced written notice of the hearing will be provided to both the Grievant and Respondent so as to provide each reasonable time to prepare for such hearing. The hearing will be conducted within 10 days after the Coordinator refers the matter to the superintendent for hearing.

The superintendent will review the information collected through the investigation and may ask for additional oral or written evidence from the parties and any other individual he or she deems relevant. The applicable Coordinator will make arrangements to audiotape any oral evidence presented. In circumstances involving allegations of sexual harassment, the Coordinator may determine that it is appropriate and reasonable to separate the individual who is allegedly being sexually harassed from the alleged harasser in the hearing.

Within 5 days after completing the investigation the superintendent will issue a written decision to the Grievant and Respondent.

If the Grievant or Respondent is not happy with the decision, he or she must notify the superintendent, in writing, within 5 days, and request an appeal to the board of education. The written appeal shall contain a specific statement explaining the basis of the appeal.

The superintendent will notify the board of education, in writing, within 5 days after receiving the appeal. The clerk will place the appeal on a board agenda within 30 days from the date of notification to the board of education.

The board will act as an appellate body by reviewing the decisions and the oral and written evidence presented below and making a decision. At the board meeting, the board may

ask for oral or written evidence from the parties and any other individual it deems relevant. The clerk will make arrangements to audiotape any oral evidence presented. Within 5 days of the meeting, the board will issue a final decision in writing to all parties involved.

General Provisions

Duty of District Employees to Report Alleged Discrimination: District employees, supervisors and administrators are required to immediately report any complaints, reports, observations, or other alleged information of alleged discrimination, including harassment and retaliation, to the designated coordinator, even if that district employee is investigating the alleged discrimination as part of the district's student or employee disciplinary process, and provide the Complainant with information for filing a complaint form if requested, and contact information for the district's designated coordinator. If the district is using its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply with the district's standards for a prompt and equitable grievance procedure.

Extension of Time: Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date the complaint is filed until the board of education issues a final decision shall be no more than 120 days.

Access to Regulations: Upon request, the Coordinator shall provide copies of any regulations prohibiting discrimination on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Confidentiality of Records: Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of the district. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for three years after complaint resolution.

Representation: The Grievant and the Respondent may have a representative assist them through the grievance process and accompany them to any hearing.

Corrective Action: After all facts and circumstances are reviewed, the district shall take any and all disciplinary actions to prevent further harassment or discrimination. Possible disciplinary or remedial actions include, but are not limited to: education, training and counseling, transfer, and/or suspension of a student, and education, training, counseling, transfer, suspension and/or termination of an employee.

Retaliation: 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.

Basis of Decision: At each step in the grievance procedure, the decision maker will take or recommend the taking of appropriate measures based on the facts, as revealed by the investigation and hearing, taken as a whole, and the totality of the circumstances, such as the nature, extent, context and gravity of the activities or incidents. Any disciplinary decision will be made as a proportional response to the violation.

Section 504 Due Process Procedures: For information concerning the impartial hearing and review procedures under Section 504, the Grievant should contact:

Brian Hummingbird, High School Principal
Jeramy Branchcomb, Middle School Principal
Alan Gordon, Elementary School, Principal
Warner Public Schools
1012 5th Avenue
Warner, OK 74469-9701
918-463-5171

Notice: The district will notify all students, parents or guardians, members of the public and employees of the name, office and telephone number of each Coordinator and this Grievance Procedure in writing via school publications and/or postings at each school site to which employees or students are assigned.

Outside Assistance: Individuals may also file complaints alleging discrimination, harassment or retaliation with the Office of Civil Rights. The OCR may be contacted at:

U.S. Department of Education, Office for Civil Rights
One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, MO 64106
(816) 268-0550
(816) 268-0599 (Fax)
(877) 521-2172 (TTY)
E-mail: OCR.KansasCity@ed.gov

DISCRIMINATION GRIEVANCE COMPLAINT FORM

Name and Address of Charging Party (Grievant):

Date: _____

Phone numbers where Grievant may be reached:

Home: _____ Office: _____

Cell: _____ Other: _____

Statement of grievance (please provide as detailed a statement as is possible and attach supplemental pages so that we may have a complete understanding of your concerns):

Please identify any documents or other materials which support your grievance.
If documents or materials are in your possession, please attach copies to this grievance. If documents are not in your possession, please indicate where they are located.

Please identify what action or relief you are seeking as a result of this grievance.

Signature of Grievant

If, as a result of a disability, you need assistance in completing this form, please contact the district's ADA Coordinator, or superintendent, for assistance or accommodation.

DISCRIMINATION, HARASSMENT, AND RETALIATION

The school district is committed to providing all students and employees with a safe and respectful school environment. Both state and federal law specifically prohibit harassment of or by employees and students in connection with the district.

The district prohibits discrimination, harassment or retaliation based on real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information. This prohibition applies to students, employees and board members in any aspect of the district's programs, including during school hours, extracurricular activities, school sponsored events, or outside of school hours if the conduct affects the education or working environment.

Definitions

"Employee" for purposes of this policy, includes all district employees, board members and volunteers.

"Student" refers to any person who is enrolled in any district school or program.

"Discrimination" means unfair treatment which is based on a person's real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Examples of discrimination include, but are not limited to: Refusing to consider a person for a position or declining to enroll a student in a program based on legally discriminatory factors. Harassment can be a specific form of legally prohibited discrimination.

"Harassment" means repetitive, unwelcome conduct which is based on a person's real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Examples of harassment include, but are not limited to: slurs, epithets, insults, jokes or derogatory comments; verbal or physical abuse; intimidation (physical, verbal or psychological); impeding or blocking a person's movement; unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity whether written, verbal or through physical gestures, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities. Demeaning comments about a student's ability to excel in a class historically considered a "boy's" or a "girl's" subject may also constitute harassment.

“Sexual harassment” is a type of harassment which includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which:

- is made an explicit or implicit term or condition of an employee’s employment or a student’s ability to obtain an education; or
- is used as a basis for decisions impacting either an employee’s employment or a student’s education; or
- has the purpose or effect of unreasonably or substantially interfering with an employee’s work performance or a student’s educational performance, or creating an intimidating, hostile, or offensive environment.

In order to constitute sexual harassment, the conduct at issue must be unwelcome. Sexual conduct between minor students and employees will always be considered unwelcome. Sexual harassment also includes conduct such as rape, sexual assault, stalking, and any other form of sexual violence.

Sexual harassment may occur between persons of the same gender or sex.

Nothing in this policy precludes legitimate, nonsexual physical contact to avoid physical harm to persons or property.

“Retaliation” is any negative conduct which is taken in response to an individual’s complaint of harassment or discrimination, or participation in any investigation of a harassment or discrimination complaint.

Reporting

Students who have been harassed or discriminated against, or who witness such conduct, are encouraged to report the offensive conduct to any teacher, counselor, administrator, or board member.

Employees who witness, suspect or receive a report of harassment or discrimination must immediately report the incident to the superintendent or a board member – even if that report must be made after hours to the superintendent or board members home or cell phone.

Any employee who receives a harassment, discrimination or retaliation report will immediately refer the matter to the superintendent or the Title IX coordinator, unless the superintendent or Title IX coordinator is the alleged malfeasant. In such circumstances, the complaint will be referred to the board president or the district’s legal counsel. To ensure impartiality, no person who is the subject of a complaint shall conduct any investigation into the improper conduct.

If possible, reports should be made in person and/or in writing, and be signed by the reporting party. However, in order to encourage full, complete and immediate reporting, any person may report such incidents anonymously in writing by mailing the report to the personal attention of either the superintendent or a board member. All reports should state:

- the name of the alleged harasser;

- the person(s) being harassed;
- the nature, context and extent of the prohibited activity;
- the dates of the prohibited activity, and;
- any other information necessary to a full report and investigation of the matter.

Any employee who is subjected to job related sexual harassment is entitled to protection under Title VII of the Civil Rights Act of 1964 and the Oklahoma Anti-Discrimination Act. Individuals may simultaneously report an allegation of this type of misconduct to school officials and to the United States Equal Employment Opportunity Commission, the Oklahoma Human Rights Commission, or local law enforcement.

Administrative Response

The district will promptly, thoroughly and impartially investigate all reports of harassment and discrimination. This process will include:

- A statement from the individual who was allegedly harassed;
- Appropriate and reasonable steps to separate and protect both the alleged victim and alleged harasser pending conclusion of the investigation and necessary remedial action;
- Reasonable updates to the alleged victim of the investigation's progress, subject to federal and state laws and regulations;
- Interviews with the alleged harasser, alleged victim and witnesses; and
- Review of relevant documents, including district files and records.

The district will review all relevant facts and take into account the totality of the circumstances - including the nature, extent, context and gravity of the activities. At the conclusion of this process, the superintendent, in conjunction with the Title IX coordinator, will issue findings based on the preponderance of the evidence and take appropriate measures, including but not limited to: education, information on available outside resources, training and counseling, transfer, suspension, and any other appropriate remedy under the circumstances. Employees may also be terminated for engaging in harassment, discrimination or retaliation.

Confidentiality shall be maintained during and after the investigation to the extent reasonably possible. However, public disclosure of personal or confidential employee information may be made during the course of any suspension, dismissal, non-renewal hearing or resulting litigation.

Penalties

Penalties shall be imposed based on the facts taken as a whole and the totality of the circumstances such as the nature, extent, context and gravity of such activities or incidents. Any disciplinary decision will be made as a proportional response to the violation.

Any employee or student engaging in harassment, discrimination or retaliation will be subject to any and all disciplinary action allowed by school policy and Oklahoma law.

DISABILITY ACCOMMODATIONS

It is the policy of the board of education to take reasonable steps to accommodate our patrons and students with disabilities.

Employment opportunities will not be withheld from any qualified person solely because of a known disability. The school district will make reasonable accommodations to the known physical or mental limitations of a qualified person, unless it can be shown that the accommodation would impose an undue hardship on the operation of this school district.

For the purposes of this policy, the term "reasonable accommodation" may include making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and job restructuring, part-time or modified work schedules, re-assignment to a vacant position, acquisition or modification of equipment, modifications or examinations and training, the provision of qualified readers and other similar and reasonable accommodation.

Plan for Assessing Undue Hardship

The district is not required to provide an accommodation if it will impose an undue hardship on the operation of its business. Undue hardship is defined by the Americans with Disabilities Act ("ADA") as an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

The district will evaluate and determine whether a particular accommodation will impose an undue hardship on a case-by-case basis. The factors to be considered are as follows:

1. The nature and cost of the accommodation needed.
2. The financial resources of the facility making the accommodation, the number of employees at the facility, and the effect on expenses and resources of the facility.
3. The overall financial resources, size, number of employees, and type and location of facilities of the entity covered by the ADA.
4. The operation of the district including the structure and functions of the work force, geographic separateness, and administrative or fiscal relationship of the facility involved in making the accommodation to the larger entity.
5. The impact of the accommodation on the operation of the facility that is making the accommodation.

Each of the related factors will be considered in determining whether an accommodation will pose an undue hardship. The ADA compliance officer will investigate the

accommodations under consideration and will issue a report examining the accommodations in view of the factors listed.

SERVICE ANIMALS

Purpose

The purpose of this policy is to establish procedures for the use of service animals in the district, including school buildings, school vehicles and other school property.

Policy

The district acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a service animal in its facilities and programs and intends to comply with all state and federal laws, rules and regulations regarding the use of service animals by district employees, students and visitors with disabilities.

The district does **not** allow the following types of animals in its facilities and programs unless specifically authorized by the district's board of education:

1. "Emotional support animal" meaning an animal selected to reside with an individual with a disability that does not work or perform tasks for the benefit of an individual with a disability and does not accompany at all times an individual with a disability; and
2. "Therapy animal" meaning a personal pet who is certified to make therapeutic visits with a trained volunteer to places including, but not limited to, nursing facilities, schools and hospitals to bring therapeutic benefit, comfort and cheer to others.

The district will post in a conspicuous location outside the entrances of each of its facilities a sign stating which animals or types of animals are prohibited in its facilities and programs. The sign must also state that service animals are permitted.

Definitions

"Service animal" is defined by the Americans with Disabilities Act (ADA) as any service dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability. Service animals are limited to the animals defined under the ADA and do not include any other species of animal, wild or domestic, trained or untrained. Service animals do not include an animal used or relied upon for crime deterrence, emotional support, well-being, comfort, or companionship.

"Employee" is defined as a person who is employed by the district on a part or full-time basis, with or without compensation, and elected or appointed members of the district's board of education.

“Student” means a child who is currently enrolled at the district and includes the parents and guardians of a child who is (a) under the age of 18, or (b) otherwise unable to manage their own affairs.

“Visitor” means an individual other than an employee or student who is present in areas of district property that have been made available by the district to the general public and/or specified members of the public, including, but not limited to family members of students/employees and individuals attending a public event held on school district property.

“Service animal trainer” means an individual who is affiliated with a recognized service animal training organization and who is engaged in the training a dog to do work or perform tasks as a service animal at the time such individual is present on district property.

“Service animal in training” means a dog that is in the process of being trained by a service animal trainer to perform work or tasks that would qualify the dog as a service animal under this policy at the time the dog is present on district property.

Procedures/Requirements for Employees and Students

The use of service animals by employees and students with disabilities is subject to the following procedures and requirements:

- A. The employee or student will submit a notification of the intent to use a service animal to the district’s Superintendent. The notification will identify whether the service animal is required because of the person’s disability, and, if so, identify and describe the manner in which the service animal will meet the individual’s particular need(s).
- B. Notifications for the use of service animals on district property by an employee or student will, whenever possible, be made at least one week prior to the proposed use of the service animal.
- C. As part of the district’s consideration of the use of a service animal, the district may require certification of proper vaccinations verified by a veterinarian.
- D. The district’s review of use of a service animal may include consideration of a student’s IEP or Section 504 records. The district may also request a meeting with the employee or student.
- E. The use of a service animal on district property may be subject to a plan that introduces the service animal to the school environment, any appropriate training for staff and students regarding interaction with the service animal, and other activities or conditions deemed necessary by the district. The district’s approval of the use of a service animal on district property is subject to periodic review, revision, or revocation by district administration.
- F. It is the responsibility of the employee or student who uses a service animal pursuant to this policy to serve as the handler or arrange for a third party handler to provide proper handling of the service animal. Any cost incurred

to handle the service animal will be the responsibility of the employee or student who uses the service animal.

G. Service animals will be allowed in district vehicles when:

1. The inclusion of the service animal is documented as required on district transportation forms; and
2. The service animal is under the control of the handler at all times, including entering and exiting the vehicle.

Procedures/Requirements for Visitors

The use of service animals by visitors with disabilities is subject to the following procedures and requirements:

A. When a visitor seeks to bring a service animal onto school property, staff may ask the visitor to provide the following information in order to confirm that the animal qualifies as a service animal under this policy:

1. Whether the visitor's animal is a service animal required because of a disability.
2. The work or task the visitor's animal has been trained to perform.

Staff shall not question visitors regarding their use of a service animal except as set forth above. Staff shall not inquire as to the nature of the visitor's disability, request documentation regarding a visitor's service animal, or request that the service animal demonstrate the work/task it has been trained to perform.

B. Except as provided in this policy, visitors with disabilities shall be permitted to be accompanied by their service animals in all areas of school facilities where similarly situated non-disabled visitors are permitted to be present.

C. Visitors shall not be allowed to bring a service animal into an area of school property where the presence of the service animal would pose a risk to the health or safety of others.

D. When a visitor requires accommodations to be made to district policies, practices or procedure to allow a service animal to accompany the visitor on school property, the visitor must, whenever possible, provide prior written notice to Superintendent no later than one (1) week before the service animal will be present on district property.

Procedures/Requirements for Service Animal Trainers

The use of district facilities for service animal training activities is governed by the following procedures and requirements:

A. A service animal trainer shall be permitted to bring a service animal in training onto district property for the purpose of training the dog to perform such work or tasks at such times when other similarly situated members of the general public are permitted to be present on district property.

- B. When present on school property, a service animal trainer shall be permitted to bring a service animal in training to those areas of school facilities where similarly situated members of the public are permitted to be present.
- C. Service animal trainers shall not be allowed to bring a service animal in training into an area of district property where the presence of the animal would pose a risk to the health or safety of others.
- D. Service animal trainers may be required to provide appropriate documentation showing that the service animal trainer is affiliated with a recognized service animal training organization prior to engaging in training activities on district property.
- E. If a service animal trainer seeks to bring a service animal in training onto district property during an event which members of the public are charged a fee to attend, the service animal trainer may be required to pay the same fee as other similarly situated members of the public, but shall not be required to pay any additional fees or charges due to the presence of the service animal in training.
- F. Except as provided in this policy or pursuant to a written agreement between the district and a service animal training organization which has been approved by the Board of Education, no individual shall be permitted to bring animals which are being trained as service animals onto district property.

Control and Supervision of Service Animals and Service Animals in Training

- A. The owner/handler of a service animal or service animal in training must be in full control of the animal at all times.
- B. Service animals and service animals in training must always be on a leash or other form of restraint mechanism, unless impracticable or unfeasible due to the disability of the employee, student or visitor.
- C. The responsibility for the care and supervision of the service animal/service animal in training rests solely on the employee, student, visitor or service animal trainer. The district is not responsible for providing any staff member to walk the animal or provide any other care or assistance to the animal. Issues related to the care and supervision of service animals and/or service animals in training will be addressed on a case-by-case basis in the discretion of the building administrator.
- D. Pursuant to federal law, the district retains discretion to exclude or remove a service animal or service animal in training from district property and/or transportation if:
 - 1. The service animal or service animal in training is out of control and/or the animal's handler does not effectively control its behavior;
 - 2. The service animal or service animal in training is not housebroken;

3. The service animal or service animal in training poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications; or,
4. Permitting the service animal or service animal in training would fundamentally alter the nature of the service, program, or activity.

Miniature Horses

- A. The district will make reasonable modifications in policies, practices, or procedures to accommodate a miniature horse that qualifies as a service animal under this policy and the ADA, but doing so may not be possible in all circumstances.
- B. In determining whether it is feasible to allow a student, employee or visitor to be accompanied by a miniature horse that qualifies as a service animal in a specific district facility, the district will consider:
 1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
 2. Whether the handler has sufficient control of the miniature horse;
 3. Whether the miniature horse is housebroken; and
 4. Whether the miniature horse's presence in the specific facility compromises legitimate safety requirements that are necessary for safe operation.

Liability

An employee, student, visitor or service animal trainer accompanied by a service animal or service animal in training will be responsible for any damage to district or personal property and any injuries to individuals caused by the animal. Individuals who use a service animal or service animal in training on district property will hold the district harmless and indemnify the district from any such damages.

Appeals and Grievances

Any person dissatisfied with a decision concerning a service animal or service animal in training can file a grievance, using the district's grievance procedures.

Requirements for Service Animals and Service Animals in Training

Vaccination: Service animals and service animals in training must be immunized against diseases common to that type of animal. [Okla. Admin. Code 310:599-3-9.1] All vaccinations must be current. Dogs must wear a rabies vaccination tag.

Licensing: All service animals and service animals in training must be licensed as may be required by state and/or local law.

Identification: It is recommended, but not required, that service animals and/or service animals in training have proper identification.

Owner ID and Other Tags: Dogs may be required to wear a current dog license and rabies-vaccination tag, unless the dog is permanently and uniquely identified with a microchip implant or tattoo.

Collar: A service dog used by a person who is deaf or hard-of-hearing must wear an orange identifying collar. [OKLA. STAT. tit. 7, § 19.1(C)]

Cleanup Rule: The handler of the service animal/service animal in training, whether it be the employee, student or a third party, must clean up after the animal defecates or urinates, as well as follow any municipal ordinance applicable thereto.

Grooming: All service animals and service animals in training must be treated for, and kept free of, fleas and ticks. All service animals and service animals in training must be kept clean and groomed to avoid shedding and dander.

Reference: 28 C.F.R. Part 36; OKLA. STAT. tit. 4, § 801; OKLA. STAT. tit. 7, § 19.1

**PROHIBITION ON RACE AND SEX DISCRIMINATION
IN CURRICULUM AND INSTRUCTION**

Race and Sex Discrimination Prohibited

The district does not engage in and prohibits discrimination on the basis of race or sex in the form of bias, stereotyping, scapegoating, classification, or the categorical assignment of traits, morals, values, or characteristics based solely on race or sex. The district does not and shall not engage in race or sex-based discriminatory acts through utilizing these methods which can result in treating individuals differently on the basis of race or sex or can result in the creation of a hostile environment.

As an accredited State of Oklahoma public school, the district is required to teach students history, social studies, English language arts, biology, and other subject matter areas consistent with the Oklahoma Academic Standards as adopted and approved by the State Board of Education and Oklahoma Legislature. In the performance of this obligation, no teacher, administrator, or other employee of the district shall require, or make part of a course, the following concepts or principles (the "Prohibited Concepts"):

- One race or sex is inherently superior to another race or sex.
- An individual, by virtue of his or her sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.
- Members of one race or sex cannot and should not attempt to treat others without respect due to race or sex.
- An individual's moral character is necessarily determined by his or her race or sex.
- An individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
- An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex.
- Meritocracy or traits, such as a hard work ethic, (a) are racist or sexist, or (b) were created by members of a particular race to oppress members of another race.

Importantly, none of the Prohibited Concepts shall prevent the teaching of principles that align to the Oklahoma Academic Standards.

Further Prohibitions to Ensure Compliance

Additionally, the district does not and shall not:

- Provide, contract to provide, or sponsor any course¹ that includes, incorporates, or is based on any of the Prohibited Concepts.
- Use any public or private funds, property, or other assets or resources to engage in race or sex-based discrimination, including the Prohibited Concepts.
- Adopt programs or utilize textbooks, instructional material, curriculum, classroom assignments, orientation, interventions, or counseling that include, incorporate, or are based on the Prohibited Concepts.
- Execute contracts or agreements with internal or external entities, persons, companies, or businesses to provide services, training, professional development, or any other assistance that includes, incorporates, or is based on the Prohibited Concepts.
- Receive or apply to receive monies, including state, federal or private funds, that require, as a condition of receipt, the adoption of courses, policies, curriculum, or any other instructional material that includes, incorporates, or is based on the Prohibited Concepts.
- Adopt diversity, equity, or inclusion plans that incorporate Prohibited Concepts. Diversity officers are prohibited from providing any service or performing duties that include, incorporate, or are based on discriminatory practices identified in the Prohibited Concepts.
- Mandate diversity training that includes, incorporates, or is based on discriminatory practices identified in the Prohibited Concepts. This includes providing such training to employees, contractors, staff members, parents, students, or any other individual or group.
- Adopt policies, including grading or admissions policies, or provide any other benefit or service that applies to students or any school employee differently on the basis of race or sex, unless specifically permitted by Title IX of the Education Amendments of 1972. Except as permitted by Title IX in specific circumstances, this prohibition includes segregated classes, programs, training sessions, extracurricular activities, or affinity groups.
- Require students to complete surveys, or use the results from surveys, to teach discriminatory concepts identified in this policy.
- Join any group or association that requires, as a condition of membership, teachers, administrators or other employees of a school district, charter school, or virtual charter school to teach, provide instruction, or offer a course that includes, incorporates, or is based on discriminatory practices identified in this policy and violate state law.

Parent Right to View and Inspect Instructional Materials

Parents and legal guardians of students shall have the right to inspect curriculum, all instructional materials used by the district as part of the educational curriculum, classroom assignments, and lesson plans to ensure compliance with this Policy. This right of inspection is subject to any applicable limitations contained in existing law, including Oklahoma's Open Records Act (OKLA. STAT. tit. 51, §§ 24A.1-24A.32). Consistent with 25 O.S. § 2002, the district shall not interfere with or infringe upon the fundamental rights of parents to determine their child's education.

¹ For the purposes of this policy, "course" means any forum where instruction or activities tied to the instruction are provided, including courses, training, seminars, professional development, lectures, sessions, coaching, tutoring, or any other class.

Reporting and Complaint Procedure

Any parent, student, teacher, district employee, or member of the public may file a Complaint alleging a violation of this Policy, which addresses the provisions of OKLA. STAT. tit. 70, § 24-157, and regulations regarding it adopted by the State Department of Education. To be accepted for investigation, the Complaint must:

- (1) be submitted in writing;
- (2) be dated;
- (3) contain the handwritten or electronic signature of the complainant;
- (4) identify the date(s) the alleged discriminatory act occurred; and
- (5) explain the alleged violation(s) / discriminatory conduct and how Section 24-157 or an administrative regulation thereto has been violated.
- (6) Identify witnesses the district may interview, if applicable, provided the district will not dismiss a complaint for failure to identify witnesses.

The district has designated the following individual(s) to receive reports of alleged violation(s) / discriminatory conduct (referred to as the Section 24-157 Coordinator”):

Brian Hummingbird, High School Principal
Jeramy Branchcomb, Middle School Principal
Alan Gordon, Elementary School, Principal
Warner Public Schools
1012 5th Avenue
Warner, OK 74469-9701
918-463-5171

The Section 24-157 Lead or Deputy Coordinator shall, within ten (10) days of receipt of the Complaint, notify the complainant that the Complaint has been received, whether it is legally sufficient (i.e., contains the mandatory information set forth above) and whether it will be investigated. The district shall ensure the employee(s) responsible for receiving and investigating complaints are unbiased and free from any conflicts of interest.

Investigation and Determination of Complaint

Within forty-five (45) days of receipt of a Complaint accepted for investigation, the Section 24-157 Lead or Deputy Coordinator will be responsible for ensuring that the district investigates and makes a determination as to whether a violation has occurred. The complainant will be notified of the district’s determination of the Complaint, as well as the district’s findings of whether a violation occurred.

Options for Filing Complaint

In lieu of filing a Complaint with the district, a complainant may file a Complaint directly with the State Department of Education. A complainant may not file a Complaint simultaneously with the district and State Department of Education. Additionally, a complainant who believes that the district has incorrectly refused to investigate a Complaint or has evidence that the district has reached an incorrect determination may file a Complaint with the State Department of Education upon conclusion of the district-based complaint process.

With regard to Complaints made to the district, the Section 24-157 Lead or Deputy Coordinator is required to report each Complaint to the State Department of Education within ten (10) days of resolution of the Complaint.

Anti-Retaliation

No individual shall be retaliated against for (1) filing a Complaint alleging a violation / discriminatory conduct prohibited by Section 24-157 or any regulation related to it with the district or the State Department of Education, or (2) exercising any right or privilege conferred by Section 24-157 or any regulation related to it (3) exercising any right or privilege secured by a law referenced in Section 24-157 or any regulation related to it . The district shall be prohibited from retaliating against any student, parent, district employee or any other individual for filing a complaint of exercising any right conferred by or referenced in Section 24-157 or any regulation related to it. Any school employee who retaliates against a complainant shall be subject to disciplinary action by the district, in accordance with district employee disciplinary policies, and the State Department of Education and State Board of Education. The State Department of Education shall be authorized to investigate complaints or retaliation filed pursuant to Section 24-157 or any regulation related to it.

Whistleblower Protection

Any teacher who files a complaint alleging a violation / discriminatory conduct prohibited by Section 24-157 or any regulation related to it with the district or the State Board of Education, or otherwise discloses information the teacher reasonably believes evidences a violation of Section 24-157 or any regulation related thereto shall be entitled to the Whistleblower Protections in applicable laws, including those at OKLA. STAT. tit. 70, § 6-101.6b.

False Reporting

Any teacher or other school employee who willfully, knowingly and without probable cause makes a false complaint alleging a violation / discriminatory conduct prohibited by Section 24-157 or any regulation related thereto with the district or the State Board of Education shall be subject to disciplinary action in accord with the district's employee conduct policies and by the State Department of Education and State Board of Education.

Complaints by School Staff

Any school employee who is discriminated against by the district in the form of race or sex-based harassment, bias, stereotyping, scapegoating, classification, or the categorical assignment of traits, morals, values, or characteristics based solely on race or sex in violation Section 24-157, may file an employment discrimination complaint with the Oklahoma Attorney General's Office of Civil Rights Enforcement.

References: OKLA. STAT. tit. 70, § 24-157
OKLA. ADMIN. CODE § 210: 10-1-23