

SECTION 504 NOTICE OF PARENT /GUARDIAN AND STUDENT RIGHTS

This is a notice of your rights under Section 504. These rights are designed to keep you fully informed about the district's decisions about your child and to inform you of your rights if you disagree with any of those decisions.

You have the right to:

- Have your child participate in and benefit from the district's education program without discrimination based on disability.
- An explanation of your and your child's rights under Section 504.
- Receive notice before the district takes any action regarding the identification, evaluation, or placement of your child.
- Refuse consent for the initial evaluation and initial placement of your child.
- Have your child receive a free appropriate public education. This includes your child's right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the district provide related aids and services to allow your child an equal opportunity to participate in school activities.
- Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
- Have your child receive special education services if she/he needs such services. Have evaluation, educational, and placement decisions for your child based upon information from a variety of sources, by a group of persons who know your child, your child's evaluation data, and placement options.
- Have your child be provided an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
- Have educational and related aids and services provided to your child without cost except for those fees imposed on the parents/guardians of non-disabled children. Examine your child's education records and obtain a copy of such records at a reasonable cost unless the fee would effectively deny you access to the records.
- A response to your reasonable requests for explanations and interpretations of your child's education records.
- Request the district to amend your child's education records if you believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the district refuses this request, you have the right to challenge such refusal.
- Request mediation or an impartial due process hearing to challenge actions regarding your child's identification, evaluation, or placement. You and your child may take part in the hearing and have an attorney represent you. Hearing requests can be made to the district's Section 504 coordinator.
- Ask for payment of reasonable attorney's fees if you are successful on your claim.
- File a local grievance or a complaint with the U.S. Department of Education Office for Civil Rights (206 -607-1600 or www.ed.gov/ocr) or file a complaint in federal court.

The person in this district who is responsible for ensuring that the district complies with Section 504 is the Assistant Director of Special Services.

SCHOOL BOARD POLICY NO. 3246

USE OF ISOLATION, RESTRAINT, AND REASONABLE FORCE

It is the policy of the Yelm Community Schools Board of Directors that the district maintains a safe learning environment while treating all students with dignity and respect. All students in the district will remain free from the unreasonable use of force.

District staff may use reasonable force, isolation or restraint to maintain order or to prevent a student from harming him/herself, other students, school staff or property.

Physical force is reasonable when needed to prevent or minimize imminent bodily injury or substantial or great bodily harm to self or others. If de-escalation interventions have failed or are inappropriate, reasonable physical force may be used to protect district property. Use of reasonable force, isolation or restraint will comply with Chapter 28A.600 RCW, Chapter 28A.155 RCW, Chapter 392-172A WAC, and Chapter 9A.16 RCW.

Physical force will not be used as a form of discipline or punishment.

This policy is intended to address students enrolled in the district and not intended to prevent or limit the use of reasonable force or restraint as necessary with other adults or youth from outside the school as allowed by law.

Parents or guardians of students with whom the school is considering the use of aversive interventions under the Individuals with Disabilities Education Act (IDEA) and students whose Section 504 plan will contain the use of restraint or isolation will be provided a copy of the district's use of isolation, restraint and reasonable force policy and procedures.

Cross References:	Policy 2161	Special Education and Related Services for Eligible Students
	Policy 2162	Education of Students With Disabilities Under Section 504 of the Rehabilitation Act

Legal References:	RCW 9A.16.020	Use of Force – When lawful
	RCW 9A.16.100	Use of Force on Children – Policy – Actions presumed unreasonable
	RCW 28A.150.300	Corporal Punishment Prohibited
	WAC Chapter 392-172A	Rules for the Provision of Special Education
	WAC 392-400-235	Discipline – Conditions and limitations

Management Resources:		
	<i>Policy and Legal News</i> , July 2013	Use of Reasonable Force Policy retitled, revised to include new reporting requirement pursuant to ESSB 1688
	<i>Policy News</i> , December 2008	Use of Reasonable Force Policy

FIRST READING: 10/24/2013
ADOPTED:

SCHOOL BOARD PROCEDURE NO. 3246P USE OF ISOLATION AND RESTRAINT

Definitions:

- A. **Restraint:** Physical intervention or force used to control a student, including the use of a restraint device.
- B. **Restraint Device:** A device used to assist in controlling a student, including but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers or batons.
- C. **Isolation:** The exclusion of a student from his or her regular instructional area and restricting the student alone within a room or any other form of enclosure, from which the student may not leave.

The following procedures must be followed when a student with an individualized education program (IEP) or a Section 504 plan is subjected to (1) any restraint, including restraint that results in a physical injury to a student or a staff member; or (2) any isolation event that occurs while the student is participating in school-sponsored instruction or activities.

- A. Following the release of a student from the use of restraint or isolation, the school will review the incident with the student and the parent or guardian to address the behavior that precipitated the use of restraint or isolation. The school will also review the incident with the staff person(s) who administered the restraint or isolation to discuss whether proper procedures were followed.
- B. Any school employee, school resource officer or school security officer who uses any restraint device or physical force on a student during school-sponsored instruction or activities will inform the building administrator or a designee as soon as possible and within two business days submit a written report of the incident to the district office. The report must include:
 - 1. The date and time of the incident;
 - 2. The name and job title of the individual who administered the restraint or isolation;
 - 3. A description of the activity that led to the restraint or isolation;
 - 4. The type of restraint or isolation used on the student, including the duration; and
 - 5. Whether the student or staff was physically injured during the restraint or isolation; and any medical care provided.
- C. The principal or a designee will make a reasonable effort to verbally inform the student's parent or guardian of the incident within twenty four hours of the incident and send written notification as soon as practical but postmarked no later than five business days after the use of restraint or isolation occurred. If the school customarily provides the parent or guardian with school-related information in a language other than English, the written report will be provided to the parent or guardian in that language.

Any Individualized Education Programs (IEPs) or Section 504 plans developed by the school district will include procedures for notification of a parent or guardian regarding the use of restraint or isolation.

The school district will provide a parent or guardian of a student with an IEP or Section 504 plan with a copy of its policy and procedures on the use of restraint or isolation at the time the program or plan is developed.

ADOPTED: 11/19/2013