

Book	Policy Manual
Section	100 Programs
Title	Nondiscrimination in School and Classroom Practices
Number	103
Status	First Reading
Adopted	September 23, 2013

Authority

The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools without discrimination on the basis of ~~regardless of~~ race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability. [\[1\]](#)~~[\[15\]](#)~~[\[3\]](#)[\[4\]](#)[\[5\]](#)~~[\[16\]](#)~~[\[7\]](#)~~[\[17\]](#)~~[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)

The district strives to maintain a safe, positive learning environment for all students that is free from discrimination. Discrimination is inconsistent with the educational and programmatic goals of the district and is prohibited on school grounds, at school-sponsored activities and on any conveyance providing transportation to or from a school entity or school-sponsored activity.

The district shall provide to all students, without discrimination, course offerings, counseling, assistance in learning, services, athletics and extracurricular activities. The equitable distribution of district resources is one means the district shall use to ensure all students receive a quality education. The district shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.

The Board encourages students and third parties who believe they or others have been subject to discrimination to promptly report such incidents to the appropriate building principal or to the district's Compliance Officer.

The Board directs that verbal and written complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent as the district's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. All nondiscrimination statements notices or information shall include the position, office address, ~~and~~ telephone number and email address of the Compliance Officer.

The Compliance Officer is responsible to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to existing procedures, and to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review ~~of~~current and proposed curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - ~~Provision~~Develop an ongoing program of training for students and staff, which is designed to identify and ~~alleviate~~solve problems of discrimination.
3. Student Access - Review ~~of~~current and proposed programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. District Support - Assurance that ~~like~~similar aspects of the school program receive ~~like~~similar support as to staffing and compensation, purchase and maintenance of facilities, and equipment, access to such facilities and equipment and related ~~areas~~matters.
5. Student Evaluation - Review ~~of~~ tests, procedures, and guidance and counseling materials ~~for~~in order to eliminate any stereotyping ~~and/or~~ discrimination.
6. Resources – Maintain and provide information to staff on resources available to alleged victims of discrimination in addition to the school complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
7. Complaints - Monitor and provide technical assistance to building principals in processing complaints. The Compliance Officer shall report to the Board in the event that there are formal complaints or issues relating to the violation of this policy.

The building principal or designee shall be responsible to promptly complete the following duties when receiving a ~~complaint~~report of discrimination or retaliation from a student, employee or third party:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the student, who is either a complainant or accused of violating this policy, that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress of the investigation at appropriate stages ~~of the procedure~~of the investigation.
4. Immediately notify the Compliance Officer of the complaint. The Compliance Officer shall authorize the building principal to investigate the complaint unless the building principal is the subject of the complaint or is unable to conduct the investigation.
5. After consideration of the allegations and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and other as necessary from violation of this policy during the course of the investigation.
6. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint, or is unable to conduct the investigation.
7. Provide relevant information on resources available in addition to the school complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources including counseling resources.

Guidelines

Complaint Procedure – Student/Third Party

Step 1 – Reporting

A student or third party who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy is encouraged to immediately report the incident/matter to the building principal.

~~A school~~ An employee of the district or a third party, who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy, shall immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The complainant ~~or reporting employee~~ is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

Step 2 – Investigation

Upon receiving a complaint of discrimination, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation in which case the Compliance Officer will conduct the investigation.

All building principals must have received basic training on the applicable law, this policy and how to conduct a proper investigation.

There shall be an adequate, reliable and impartial investigation. The complainant and the accused shall be provided the opportunity to present witnesses and other evidence during the course of the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigation may involve the review of any other information and materials relevant to the investigation. The person making the report, parties, and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the building principal.

~~The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.~~

~~If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the Compliance Officer shall inform law enforcement authorities about the incident.~~

~~The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.~~

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the building principal shall promptly notify the Compliance Officer, who shall promptly inform law enforcement authorities about the allegations.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal investigation.

Step 3 – Investigative Report

The building principal shall prepare and submit a written report to the Compliance Officer within twenty (20) days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation and the availability of witnesses requires the building principal and the Compliance Officer to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy and any other violation of law or Board policy which may warrant further district action, and a recommended disposition of the complaint.

~~The building principal shall prepare and submit a written report to the Compliance Officer for his/her review within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint, by the Compliance Officer.
The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.~~

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, if not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with Board policies, district procedures, applicable collective bargaining agreements and state and federal laws.

If it is concluded that a student, an employee or a third party has knowingly made a false complaint under this policy, such student, employee or third party shall be subject to disciplinary action.

~~If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not~~

~~recur. District staff shall document the corrective action taken and, where not prohibited by law, the Compliance Officer shall inform the complainant.~~

~~Disciplinary actions shall be consistent with the code of student conduct, Board policies, administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws.~~

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding ~~of no violation of~~ made pursuant to the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days. If the Compliance Officer investigated the complaint, such appeal shall be made to the district Solicitor.
2. The ~~Compliance Officer~~ individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.
3. The ~~Compliance Officer~~ person handling the appeal shall prepare a written response to the appeal within ~~fifteen (15)~~ twenty (20) days. Copies of the response shall be provided to the complainant, the accused and the ~~building principal~~ investigator who conducted the initial investigation.

Equivalence Between Schools

The Board directs that services in Title I schools and programs, when taken as a whole, shall be substantially comparable to services in schools and programs that do not receive Title I funds. [9]

Curriculum materials, instructional supplies and percentages of highly qualified personnel shall be equivalent between all district schools when compared on a grade-span by grade-span basis or a school-by-school basis. Records documenting such compliance shall be updated biannually.

The Board understands that equivalence between programs and schools shall not be measured by:

1. Changes in enrollment after the start of the school year.
2. Varying costs associated with providing services to students with disabilities.
3. Unexpected changes in personnel assignments occurring after the beginning of the school year.
4. Expenditures on language instruction education programs.
5. Other expenditures from supplemental state or local funds consistent with the intent of Title I.

Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with Board policy. [14]

1. 24 P.S. 1310
3. 22 PA Code 4.4
4. 22 PA Code 12.1
5. 22 PA Code 12.4
7. 24 P.S. 5004
8. 20 U.S.C. 1681 et seq
9. 20 U.S.C. 6321
10. 29 U.S.C. 794
11. 42 U.S.C. 2000d et seq
12. 42 U.S.C. 12101 et seq
13. Pol. 103.1
14. Pol. 906
15. 24 P.S. 1601-C et seq
16. 22 PA Code 15.1 et seq
17. 43 P.S. 951 et seq
- 28 CFR Part 35
- 28 CFR Part 41
- 34 CFR Part 100
- 34 CFR Part 104
- 34 CFR Part 106
- 34 CFR Part 110
- Pol. 000
- Pol. 122
- Pol. 123
- Pol. 701