

Agenda of Board Information & Legislative Meeting

The Board of Directors Kiski Area School District

A Board Information & Legislative Meeting of the Board of Directors of Kiski Area School District will be held Wednesday, July 15, 2026, beginning at Legislative meeting to begin at the conclusion of the Informational meeting. Kiski Area Central Administration Building, 250 Hyde Park Road, Leechburg, PA 15656.

(1) OPENING

Speaker(s): JENNA ROWE

- (1)(1) Call Meeting to Order
- (1)(2) Pledge of Allegiance
- (1)(3) Roll Call

(2) SUPERINTENDENT PRESENTATION/REPORTS

Speaker(s): JASON LOHR

- (2)(1) Dr. Jason Lohr
- (2)(2) Student Representative Report
- (2)(3) Construction Report

(3) CITIZENS' COMMENTS ON AGENDA ITEMS

Description: During this portion of the meeting, you may make comments about agenda items. As written in district policy, all citizen comments are limited to three (3) minutes. We request that your public comments focus on issues or policies and not people. Please state your name, community in which you reside, and the agenda item number you are addressing.

(4) SOLICITOR REPORT

Speaker(s): JENNA ROWE

- (4)(1) Mr. Ron Repak

Speaker(s): Ron Repak

(5) BOARD REPRESENTATIVE REPORTS

Speaker(s): JENNA ROWE

- (5)(1) Northern Westmoreland Career and Technology Center Ms. Nicole Kamer
Mrs. Dawn Mellinger
- (5)(2) Westmoreland County Intermediate Unit #7

Mrs. Jenna Rowe

- (5)(3) Pennsylvania School Boards Legislative Council Mrs. Melissa Kowalkowski

- (5)(4) Kiski Area Education Foundation Mrs Dawn Mellinger

- (5)(5) Committee Reports Mrs. Jenna Rowe

(6) REPORTS TO THE BOARD

Speaker(s): JENNA ROWE

(6)(1) Financial Reports - 2026 - CLICK ON LINK UNDER PUBLIC CONTENT

Description:

CLICK THE LINK BELOW TO VIEW KISKI AREA SCHOOL DISTRICT
FINANCIAL REPORTS & DOCUMENTS

ADDITIONAL DOCUMENTS ATTACHED IN PUBLIC FILES:

MONTHLY FINANCIAL REPORTS TO THE BOARD

(6)(2) Cash Summary and Investments

(6)(3) Schools and Departments Reports

(6)(4) Change Order Summary

(7) APPROVAL OF MINUTES

Speaker(s): JENNA ROWE

(8) COMMUNICATION

(9) OLD BUSINESS

(10) PERSONNEL

(10)(1) Hire - Summer IT Worker

Recommended Motion(s):

Approve Kason Hayes as a summer IT worker, effective July 16, 2026, at a rate of \$12.50 per hour. Not to exceed 25 hours per week.

(10)(2) Hire - Substitute Teachers

Recommended Motion(s):

Approve the following individuals as day-to-day substitute teachers pending satisfactory receipt of all clearances and required paperwork.

Description:

Amber Bloom	PK-4
Ashleigh Choncek	PK-4
Victoria Compennolle	Special Ed PK-8
Jacob Crumling	Special Ed PK-12
Melissa Deemer	PK-4
Ciara Giran	PK-4
Colton Johns	PK-4
Amanda Krull	Special Ed PK-12
Alexi Kutchak	PK-4
Abby Moyher	PK-4
Bailey Pallus	PK-4
Ryan Rametta	Social Studies

Cameron Walker	Social Studies
Ashley Zawojski	PK-4

(10)(3) Resignation - Teacher

Recommended Motion(s):

Accept the resignation of Erin Witucki, high school science teacher, effective July 13, 2026.

(10)(4) Resignation - Supplemental Position

Recommended Motion(s):

Accept the resignation of Jamie McCluske, Junior/Senior Class Advisor, effective immediately.

(10)(5) 2026 Extended School Year

Recommended Motion(s):

Approve the following additional staff for the Extended School Year (ESY) program. This approval is contingent upon the understanding that all necessary paperwork, clearances, and certifications are on file.

Description: Samantha Becker-Lottes (Speech & Language Pathology)

(11) FINANCE

(11)(1) Innersight Contract

Recommended Motion(s):

Approve the agreement with Innersight to provide counseling services during the 2026-2027 school year at a cost of \$158,000, per the attached agreement.



Agreement for Professional Services

This Agreement is entered into on June 1, 2026, by and between Innersight LLC and the Kiski Area School District.

Innersight LLC and the Kiski Area School District agree to a yearly contracted rate for therapeutic services in the amount of \$158,000.00. Services will include therapeutic support services allocated throughout the District based upon identified student and building needs.

Contracted hours will cover the 2026–2027 school year in addition to twenty (20) hours of summer coverage to support continuity of care and transition planning for students. A job description and therapist duties will be collaboratively developed with the School District to align with contract expectations and the needs of each building. Therapist schedules and responsibilities will be coordinated in collaboration with designated district administration and guidance personnel.

Duties of Innersight LLC contractors shall include, but are not limited to:

- Open office hours for student support
- Supportive counseling services
- Individual and group counseling sessions
- Classroom support and collaboration when appropriate
- Behavioral and emotional support interventions
- Consultation and collaboration with school personnel and families
- Other therapeutic and supportive duties as mutually agreed upon by the District and Innersight LLC

In addition to the contracted school-based supportive services model, Innersight LLC will expand services during the 2026–2027 school year through the implementation of traditional school-based outpatient mental health services utilizing Medical Assistance (MA) billing where appropriate. This expansion is intended to increase access to care, enhance continuity of services, and provide students and families with expanded therapeutic support options within the school setting. Expanded services may include

traditional outpatient therapy, trauma-focused interventions, behavioral health treatment planning, and specialized evidence-based therapeutic approaches, including TF-CBT and EMDR services as clinically indicated.

All therapists assigned through Innersight LLC shall maintain current required state and federal clearances, which will be provided to the School District and kept on file.

All therapists shall maintain their own professional malpractice insurance coverage.

Progress notes and clinical documentation shall be maintained securely by Innersight LLC in accordance with applicable state and federal confidentiality regulations.

Master's level interns may be assigned to the District under the supervision of Innersight LLC licensed professionals.

The Contractor assumes all liabilities and responsibilities concerning the withholding of federal, state, and local taxes and social security taxes, workers' compensation, disability, and unemployment insurance obligations, if applicable. Contractor agrees to indemnify and hold harmless the District for any liability (including legal fees and costs) incurred as a result of Contractor's failure to withhold or pay required income taxes, social security taxes, workers' compensation, disability, unemployment compensation obligations, or any other applicable tax obligations.

HIPAA Compliance

The parties agree to comply with the applicable provisions of the Administrative Simplification section of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), as codified at 42 U.S.C. §§1320d through 1320d-8, and the requirements of any regulations promulgated thereunder, including without limitation the federal privacy regulations contained in 45 CFR Part 164 and federal security standards. The parties agree not to use or further disclose any protected health information, as defined by applicable federal regulations, except as permitted or required for the performance of services under this Agreement and as otherwise required by law.

Term

The term of this Agreement shall be for the 2026–2027 school year.

Amendments

This Agreement may be amended at any time upon mutual written agreement between the Kiski Area School District and Innersight LLC based upon identified student needs, programmatic changes, or service expansion opportunities.

(11)(2) Westmoreland County Student Assistance Program (SAP)

Recommended Motion(s):

Approve the 2026-2027 Westmoreland County & Westmoreland Drug & Alcohol Commission, Inc. SAP agreement.

WESTMORELAND COUNTY STUDENT ASSISTANCE PROGRAM

WESTMORELAND COUNTY



DEPARTMENT OF
HUMAN SERVICES

A Collaborative Effort Between The Westmoreland Drug & Alcohol Commission, Inc.
The Westmoreland County Department of Human Services Office
And The School Districts of Westmoreland County

AGREEMENT

WESTMORELAND COUNTY

-and-

WESTMORELAND DRUG & ALCOHOL COMMISSION, INC (SINGLE COUNTY AUTHORITY)

-and-

Kiski Area School District

Belle Vernon Area

Burrell

**Central Westmoreland
Career & Technology
Center (CWCTC)**

Derry Area

**Eastern Westmoreland
Career & Technology
Center (EWCTC)**

Franklin Regional

Greater Latrobe

Greensburg Salem

Hempfield Area

Jeannette City

Ketterer Charter School

Kiski Area

Ligonier Valley

Monessen City

Mount Pleasant Area

New Kensington-Arnold

**Northern Westmoreland
Career & Technology
Center (NWCTC)**

Norwin

Penn-Trafford

**Roman Catholic Diocese
of Greensburg**

Southmoreland

Westmoreland IU #7

Yough

The Westmoreland County Department of Human Services Office and the Westmoreland Drug & Alcohol Commission, Inc. (WeDAC, Inc.) and Kiski Area School District agree to cooperate in the Westmoreland County Student Assistance Program (SAP) process in accordance with current Student Assistance Program Guidelines of the Commonwealth of Pennsylvania.

The Westmoreland County Drug and Alcohol Commission, Inc. agrees to provide a SAP Coordinator contracted through Saint Vincent College Prevention Projects who is responsible for the coordination of the overall SAP process in Westmoreland County. The individual will provide technical assistance and training to core teams to assure that they function in accordance with the current State SAP guidelines. Kiski Area School District agrees that core teams shall be trained only by a State Approved Student Assistance Program Trainer.

The Westmoreland County Student Assistance Program agreed to provide a dedicated SAP Liaison to serve as an integrated member to Kiski Area School District core teams at all levels, as described in Attachment A (Liaison Policy and Procedures) and Attachment B (School District Responsibilities).

All personnel involved in the Westmoreland County Student Assistance Program will comply with all applicable Drug and Alcohol and Mental Health confidentiality regulations of Kiski Area School District, Department of Human Services, and Drug and Alcohol systems. Personnel involved in the Westmoreland County Student Assistance Program will be responsible for only those individuals who are referred in accordance with the Student Assistance protocols. The Westmoreland County Student Assistance Program assumes no liability/responsibility for individuals who are referred to any program other than the Student Assistance Program described herein, and Kiski Area School District agreed to hold the Westmoreland County Student Assistance Program harmless against any and all claims brought by or on behalf of Individuals who are not referred in accordance with Student Assistance Program Protocols.

The Westmoreland County Student Assistance Program and Kiski Area School District agree to work cooperatively to avoid any duplication of services. The Westmoreland County Student Assistance Program and/or Kiski Area School District reserves the right to terminate this Agreement and the services described herein with a thirty (30) day advance notice.

Kiski Area School District agrees to provide a SAP trained core team member to serve on the Westmoreland Association of Student Assistance Professionals Council (WASAP).

Kiski Area School District agrees to submit SAP statistical data as required by the Westmoreland County Student Assistance Program.

This Agreement will be in force July 1, 2026, to June 30, 2027, unless otherwise terminated as provided herein.

Dr. Jason Lohr, Superintendent

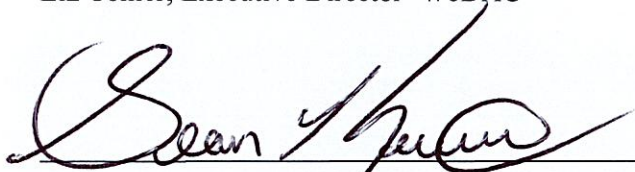
Date

Kiski Area School Board Secretary

Date

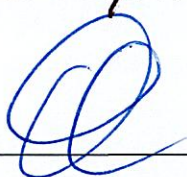
Liz Comer, Executive Director- WeDAC

Date



Sean Kertes, Westmoreland County Commissioner

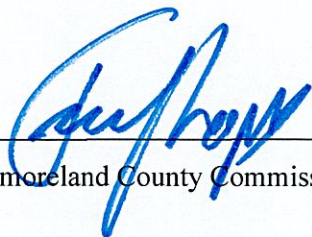
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6/3/2026

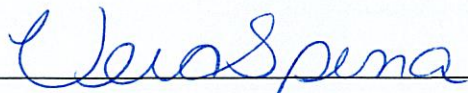
Douglas Chew, Westmoreland County Commissioner

Date



Ted Kopas, Westmoreland County Commissioner

Date



Vera Spina, Chief Clerk

Date

(11)(3) Saint Vincent College Prevention Projects (SAP)

Recommended Motion(s):

Approve the 2026-2027 Saint Vincent College Prevention Projects SAP agreement.



SAINT VINCENT COLLEGE

Prevention Projects

AGREEMENT

Saint Vincent College Prevention Projects
-and-
KISKI AREA SCHOOL DISTRICT

The Saint Vincent College Prevention Projects and the Kiski Area School District agree to cooperate in the development of the Student Assistance Program (S.A.P.) Drug and Alcohol (D & A) Liaison Initiative in accordance with current Student Assistance Program Guidelines of the Commonwealth of Pennsylvania.

Saint Vincent College Prevention Projects agrees to provide a S.A.P. Coordinator who is responsible for coordination of the overall S.A.P. Drug and Alcohol process in Westmoreland County. This individual will provide technical assistance to core teams to assure that they function in accordance with the current State S.A.P. Guidelines. The Kiski Area School District agrees that SAP Teams shall be trained only by a State Approved Student Assistance Program Trainer.

Saint Vincent College Prevention Projects agrees to provide a S.A.P. D & A Liaison to serve as an ad hoc member to the Kiski Area School District's core teams at the secondary level, following at a minimum the teams' scheduled meeting times:

- Attending S.A.P. Team meetings,
- Screening services, and
- Referral services relative to specific student interventions.

All personnel involved in the Student Assistance Program Drug and Alcohol Initiative will comply with all applicable Drug and Alcohol confidentiality regulations of the Kiski Area School District and Drug and Alcohol systems. Personnel involved in the Student Assistance Program Drug and Alcohol Initiative shall be responsible for only those individuals who are referred in accordance with the Student Assistance protocols. The Saint Vincent College Prevention Projects Drug and Alcohol Student Assistance Program assumes no liability/responsibility for individuals who are referred to any program other than the Student Assistance Program Drug and Alcohol Initiative described herein, and the Kiski Area School District agrees to hold the Saint Vincent College Prevention Projects Drug & Alcohol Student Assistance Program harmless against any and all claims brought by or on behalf of individuals who are not referred in accordance with Student Assistance Program Drug and Alcohol protocols.

The Saint Vincent College Prevention Projects Drug and Alcohol Student Assistance Program and the Kiski Area School District agree to work cooperatively to avoid any duplication of services. The Saint Vincent College Prevention Projects Drug and Alcohol Student Assistance Program reserves the right to terminate this Agreement and the services described herein in the event that the Kiski Area School District is in breach of the terms and conditions of this agreement.

The Kiski Area School District agrees to provide a representative to serve on the Westmoreland Association of Student Assistance Professionals Council coordinated through the Saint Vincent College Prevention Projects.

The Kiski Area School District agrees to submit S.A.P. statistical data for the end of the year state reporting as required by the PA Network of Student Assistance Services through the PDE 4092 document.

This Agreement will be in force July 1, 2026 – June 30, 2027, unless otherwise terminated as provided.

Saint Vincent College Prevention Projects

Kiski Area School District


Donna A. Kean Date
Executive Director

Dr. Jason Lohr Date
Superintendent

(12) **LEGISLATION**

(12)(1) Tax Appeal

Recommended Motion(s):

Approval of the stipulated court order for AKHRASS Family Limited Partnership tax appeal docket number 05653 of 2025 at a FMV of \$75,000

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY,
PENNSYLVANIA

AKHRASS FAMILY LIMITED PARTNERSHIP,	}	
	}	No. 5653 of 2025
Appellant	}	
vs.	}	
WESTMORELAND COUNTY BOARD OF	}	
ASSESSMENT APPEALS,	}	
Appellee,	}	
vs.	}	
WESTMORELAND COUNTY, BELL TOWNSHIP]	}	
and KISKI AREA SCHOOL DISTRICT,	}	
Interested Parties.	}	
Tax Map No. 43-09-04-0-060	}	

JOINT PETITION

AND NOW comes the appellant AKHRASS FAMILY LIMITED PARTNERSHIP ("Taxpayers"), the appellee, BOARD OF ASSESSMENT APPEALS OF WESTMORELAND COUNTY ("the Board") and the interested parties, KISKI AREA SCHOOL DISTRICT ("School District"), BELL TOWNSHIP ("Municipality") and WESTMORELAND COUNTY ("County"), by and through their respective counsel and jointly petition the court as follows:

1. Taxpayers are the current owners of certain real property with improvements thereon, which property is in Bell Township, Westmoreland County, Pennsylvania, being identified as Tax Map Parcel No. 43-09-04-0-060 consisting of land and improvements.

2. The assessed value of the subject property for the tax year of 2026 was set at \$64,270

3. Being aggrieved, the taxpayer filed an appeal to the Board for the tax year effective 2026.

4. After hearing, the Board maintained the taxable status and assessment value at \$64,270.

5. The taxpayer, being further aggrieved and dissatisfied with the aforementioned action of the Board, filed an appeal with the trial court.

6. Taxpayers, the Board, the Municipality and the School District reviewed the use of the premises, the property record cards, the structures on the premise, the economic climate, the physical condition of the premises, the rents and expenses, and an appraisal as well as all of the other various factors which are taken into consideration in determining the use and market value of a property, and negotiated a proposed settlement which would set the market value of the premises for the tax year at issue in this appeal and applied to this market values the state tax equalization board ratio for the tax years at issue in this appeal.

7. The proposed market values for the tax years in question are as follows:

<u>YEAR</u>	<u>PROPOSED MARKET VALUE</u>
2026	\$75,000
2027	\$75,000

8. The state tax equalization ratio for Westmoreland County for said tax years, when applied to the agreed upon market value, results in proposed assessments as follows:

<u>YEAR</u>	<u>STEB RATIO</u>	<u>RESULTING ASSESSMENT</u>
2026	8.88%	\$6,660
2027	8.68	\$6,510

9. The proposed settlement was presented to the Taxpayers, Westmoreland County and the Township, who have all received copies of this joint petition, the stipulation of the parties and a proposed order of court setting forth the time, date, and place of the presentation of this joint petition and all taxing districts have agreed to the proposed market value and methods of reimbursement of overpaid taxes.

10. The joint petitioners believe that the proposed settlement is just and equitable, having due regard to the valuation and assessment of other real estate in Westmoreland County, because:

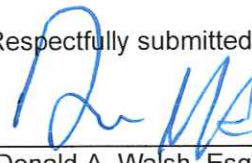
- (1) The taxing districts believe that the settlement properly reflects market value;

- (2) The present physical condition, occupancy rate and economic climate of the premise's location is such that the present assessed value should be adjusted in the manner set forth in this joint petition and the stipulation of the parties;
- (3) The parties will avoid the costs of litigation if the matter is concluded by settlement;
- (4) The parties will avoid the uncertainty relevant to the outcome of the trial if the matter is concluded by settlement; and
- (5) The taxing districts will avoid the uncertainty relevant to the effect on their tax basis.

11. The parties have embodied the proposed settlement in a stipulation of the parties, which is attached hereto as Exhibit "A", and made a part hereof.

WHEREFORE, the parties hereto request this Honorable Court to consider the allegations contained in this Joint Petition, along with the Stipulation of the parties, to find the proposed settlement to be just and equitable, having due regard to the valuation and the assessments made of other real estate in Westmoreland County, and to execute the accompanying Order of Court.

Respectfully submitted,



Donald A. Walsh, Esquire,
Counsel for Taxpayer

Darrell Arbore, Solicitor
for the Westmoreland County
Board of Assessment Appeals

Melissa Giddy, Solicitor
for Westmoreland County

John Pallone, Solicitor
for Bell Township

Ronald Repak Solicitor
for Kiski Area School District

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA
CIVIL DIVISION

AKHRASS FAMILY LIMITED PARTNERSHIP,	]	
	]	No. 5653 of 2027
Appellant	]	
vs.	]	
WESTMORELAND COUNTY BOARD OF	]	
ASSESSMENT APPEALS,	]	
Appellee,	]	
vs.	]	
WESTMORELAND COUNTY, BELL TOWNSHIP]	]	
and KISKI AREA SCHOOL DISTRICT,	]	
Interested Parties.	]	
Tax Map No. 43-09-04-0-060	]	

STIPULATION OF SETTLEMENT

AND NOW comes the appellant AKHRASS FAMILY LIMITED PARTNERSHIP ("Taxpayers"), the appellee, BOARD OF ASSESSMENT APPEALS OF WESTMORELAND COUNTY ("the Board") and the interested parties, KISKI AREA SCHOOL DISTRICT ("School District"), BELL TOWNSHIP ("Municipality") and WESTMORELAND COUNTY ("County"), by and through their respective counsel and jointly stipulate as follows:

1. The tax years that are at issue in this tax assessment appeal are 2026 and 2027.
2. The market value of the Appellant's property for the tax year in question is as follows:

<u>YEAR</u>	<u>PROPOSED MARKET VALUE</u>
2026	\$75,000
2027	\$75,000

3. The state tax equalization ratio for Westmoreland County for said tax years, when applied to the agreed upon market value, results in proposed assessments as follows:

<u>YEAR</u>	<u>STEB RATIO</u>	<u>RESULTING ASSESSMENT</u>
2026	8.88%	\$6,660
2027	8.68%	\$6,510

4. That all new tax bills are issued pursuant to this stipulation and Order shall provide for new discount, face and penalty periods.

5. The parties hereto request that this Honorable Court enter the foregoing Order attached hereto approving and confirming this stipulation to settle.

6. No interest shall be due on said overpayment, if any, from the taxing bodies. The taxing bodies will refund to taxpayers any such overpayment of taxes, if any, due from said taxing bodies within 60 days of this Order of Court approving this proposed settlement.

Respectfully submitted,

Donald A. Walsh, Esquire,
Counsel for Taxpayer



Darrell Arbore, Solicitor
for the Westmoreland County
Board of Assessment Appeals

Melissa Giddy, Solicitor
for Westmoreland County

John Pallone, Solicitor
for Bell Township

Ronald Repak Solicitor
for Kiski Area School District

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA
CIVIL DIVISION

AKHRASS FAMILY LIMITED PARTNERSHIP,	]	
	]	No. 25 CI 0563
Appellant	]	
vs.	]	
	]	
WESTMORELAND COUNTY BOARD OF	]	
ASSESSMENT APPEALS,	]	
Appellee,	]	
vs.	]	
	]	
WESTMORELAND COUNTY, BELL TOWNSHIP]	]	
and KISKI AREA SCHOOL DISTRICT,	]	
Interested Parties.	]	
	]	
Tax Map No. 43-09-04-0-060	]	

AND NOW, to-wit, this _____ of _____, 2026, upon the joint petition of all interested parties and with the express approval of all involved municipal taxing bodies, leave is hereby GRANTED, without passing upon the reasonableness of the amounts of the agreed upon assessments, to the parties to settle this matter in accordance with the foregoing Joint Petition Requesting Entry of Settlement Order executed by counsel for Appellant, counsel for the Appellee and counsel for the Interested Parties.

BY THE COURT:

ATTEST:

Anthony G. Marsili, J.

(12)(2) Policy Approval Section 100

Recommended Motion(s):

Approve the attached policies from section 100 for first and final reading.



Book	Policy Manual
Section	100 Programs
Title	Comprehensive Planning
Code	100
Status	Active
Adopted	May 15, 2006
Last Revised	November 17, 2014

Purpose

The Board recognizes the importance of comprehensive planning in developing and guiding the district's goals, and the educational programs and operation of the schools. Participation by educational stakeholders is a critical element of such planning.

Authority

The Board shall provide guidance in the district's comprehensive planning process, and shall ensure active participation by Board members, administrators, teachers, other district personnel, students, parents/guardians and representatives from local businesses and the community.

As part of the comprehensive planning process, the Board directs that the district develop and implement individual plans and components as required by law, regulations, and funding and program requirements.[\[1\]](#)

The Board directs that the goals and action plans developed through comprehensive planning shall be continuously monitored and reviewed to ensure students are achieving at high levels.

Professional Education

The district shall develop and submit a professional education plan to the Secretary of Education for approval every three (3) years, as required by law and regulations. Prior to approval by the Board and submission to the Secretary of Education, the professional education plan shall be made available for public inspection and comment in the district's administrative offices and the nearest public library for a minimum of twenty-eight (28) days.[\[2\]](#)[\[1\]](#)[\[3\]](#)[\[4\]](#)

Induction

The district shall develop and submit an induction plan to the Department of Education for approval every six (6) years, as required by law and regulations. Prior to approval by the Board and submission to the Department of Education, the induction plan shall be made available for public inspection and comment in the district's administrative offices and the nearest public library for a minimum of twenty-eight (28) days.[\[1\]](#)[\[5\]](#)[\[4\]](#)

Student Services

The district shall develop and implement a written plan every six (6) years for providing a comprehensive and integrated K-12 program of student services, as required by law and regulations. Prior to approval by the Board, the student services plan shall be made available for public inspection and comment in the district's administrative offices and the nearest public library for a minimum of twenty-eight (28) days.[\[1\]](#)[\[6\]](#)[\[7\]](#)

Special Education

The district shall develop and submit a special education plan to the Department of Education for approval every three (3) years, and shall implement such plan as required by law and regulations. Prior to approval by the Board and submission to the Department of Education, the special education plan shall be made available for public inspection and comment in the district's administrative offices and the nearest public library for a minimum of twenty-eight (28) days.~~[1][8]~~[9]

Gifted Education

The district shall develop and implement a gifted education plan every six (6) years, as required by law and regulations. Prior to approval by the Board, the gifted education plan shall be made available for public inspection and comment in the district's administrative offices and the nearest public library for a minimum of twenty-eight (28) days.~~[1][10]~~[11]

Delegation of Responsibility

The Superintendent shall be responsible for organizing the comprehensive planning process, ensuring participation in accordance with Board policy and submitting the required plans to the Department of Education.

The Superintendent or designee shall be responsible for implementing the goals and action plans developed through comprehensive planning and providing written quarterly progress reports to the Board.

Legal

[1. 22 PA Code 4.13](#)

[2. 24 P.S. 1205.1](#)

[3. 22 PA Code 49.17](#)

4. Pol. 333

[5. 22 PA Code 49.16](#)

[6. 22 PA Code 12.41](#)

7. Pol. 146

[8. 22 PA Code 14.104](#)

9. Pol. 113

[10. 22 PA Code 16.4](#)

11. Pol. 114

[22 PA Code 4.20](#)

[22 PA Code 4.4](#)

[47 CFR 54.508](#)

Pol. 002

Pol. 004

Pol. 101

Pol. 105

Pol. 107

Pol. 109

Pol. 701



Book	Policy Manual
Section	100 Programs
Title	Mission Statement/Value Statements
Code	101
Status	Active
Adopted	May 15, 2006
Last Revised	May 16, 2022

District Mission Statement

The Kiski Area School District empowers all students to be productive citizens by providing meaningful educational experiences.

Value Statements

In Kiski Area School District we believe that...

- Kiski Area School District honors the uniqueness of each individual and embraces diverse backgrounds, values, and points of view to build a strong, inclusive community.
- All students must be resilient, lifelong learners who pursue their passions in all opportunities.
- All students become productive citizens and reach their full potential.
- All students deserve a quality public education that supports academic and social and emotional well-being.
- Positive and authentic relationships with students, colleagues, and the community are a priority.
- All staff members will provide a seamless vertical and horizontal curriculum that provides endurance, leverage, and readiness for the next level.
- Staff will create positive and authentic relationships by respectfully setting high expectations that promote student growth.
- The administration will be the lead learners for all stakeholders.
- Administrators build leadership capacity by communicating our vision in positive school culture.
- The administration will be visible leaders that build positive relationships through communication and collaboration.



Book	Policy Manual
Section	100 Programs
Title	Academic Standards
Code	102
Status	Active
Adopted	May 15, 2006
Last Revised	November 17, 2014

Purpose

The Board recognizes the importance of developing, assessing and expanding academic standards to challenge students to achieve at their highest level possible. To this end, the district shall establish rigorous academic standards in accordance with, and may expand upon, those adopted by the State Board of Education.[\[1\]](#)[\[2\]](#)

Definition

Academic standards - shall be defined as what a student should know and be able to do at a specified grade level. For purposes of Board policy, the term **academic standards** shall be deemed to encompass Pennsylvania Core Standards, state academic standards and local academic standards.[\[3\]](#)

Authority

The Board shall approve academic standards for district students to attain, in the following content areas:[\[2\]](#)

1. English Language Arts.
2. Mathematics.
3. Science and Technology - to include reading in science and technology, and writing for science and technology.
4. Environment and Ecology.
5. Social Studies (history, geography, civics and government, economics) - to include reading in history and social studies, and writing for history and social studies.
6. Arts and Humanities.
7. Career Education and Work.
8. Health, Safety and Physical Education.
9. Family and Consumer Science.

Guidelines

The district's curriculum shall be designed to provide students with the planned instruction needed to attain established academic standards.[\[2\]](#)[\[4\]](#)[\[5\]](#)

The district shall assess individual student attainment of established academic standards and provide assistance for students having difficulty attaining academic standards.[\[2\]](#)[\[6\]](#)[\[7\]](#)

Students with disabilities may attain academic standards by completion of their Individualized Education Programs in accordance with law, regulations and Board policy.[\[2\]](#)^[7]

Legal

[1. 22 PA Code 4.11](#)

[2. 22 PA Code 4.12](#)

[3. 22 PA Code 4.3](#)

4. Pol. 105

5. Pol. 107

6. Pol. 127

7. Pol. 113

[22 PA Code 4.4](#)



Book	Policy Manual
Section	100 Programs
Title	Discrimination/Title IX Sexual Harassment Affecting Students
Code	103
Status	Active
Adopted	May 15, 2006
Last Revised	October 19, 2020

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 and activities offered in the schools without discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)

The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The district is committed to the maintenance of a safe, positive learning environment for all students that is free from discrimination by providing all students course offerings, counseling, assistance, services, employment, athletics and extracurricular activities without any form of discrimination, including Title IX sexual harassment. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the district and is prohibited at or, in the course of, district-sponsored programs or activities, including transportation to or from school or school-sponsored activities.

Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures.[\[18\]](#)[\[19\]](#)[\[20\]](#)[\[21\]](#)

The Board directs that the foregoing statement of Board policy be included in each student and staff handbook, and that this policy and related attachments be posted to the district's website.

The Board requires a notice stating that the district does not discriminate in any manner, including Title IX sexual harassment, in any district education program or activity, to be issued to all students, parents/guardians, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator.

Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation

The Board encourages students and third parties who believe they or others have been subject to Title IX sexual harassment, other discrimination or retaliation to promptly report such incidents to the building principal, even if some elements of the related incident took place or originated away from school grounds, school activities or school conveyances. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.

The student's parents/guardians or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal.

A school employee 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, as well as properly making any mandatory police or child protective services reports required by law.[22]

If the building principal is the subject of a complaint, the student, third party or a reporting employee shall report the incident directly to the Title IX Coordinator.

The complainant or the individual making the report may use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, verbal reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

The building principal shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in Attachment 2 to this policy, or if the reported circumstances meet the definition of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other Board policies.

Disciplinary Procedures When Reports Allege Title IX Sexual Harassment

When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in Attachment 3. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.[18][20][23][24]

When an emergency removal, as described in Attachment 3, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.[18][19][20][23]

When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report and the investigation related to any form of discrimination or retaliation, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, this policy, the attachments and the district's legal and investigative obligations.[25][26][27][28][29]

Retaliation

The Board prohibits retaliation by the district or any other person against any person for:[28]

1. Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment.
2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.
3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have occurred.

Definitions

Complainant shall mean an individual who is alleged to be the victim.

Respondent shall mean an individual alleged to be the perpetrator of the discriminatory conduct.

Discrimination

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, or handicap/disability.

Harassment is a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when such conduct is:

1. Sufficiently severe, persistent or pervasive; and
2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by a school.

Definitions Related to Title IX Sexual Harassment

Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. [\[27\]](#) [\[30\]](#)

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. [\[30\]](#)

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to: [\[30\]](#)

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work or housing locations.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. Assistance from domestic violence or rape crisis programs.
11. Assistance from community health resources including counseling resources.

Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation

determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Board policy.[17][18][23][24][31]

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following: [30]

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.
 - a. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors: [32]
 - i. Length of relationship.
 - ii. Type of relationship.
 - iii. Frequency of interaction between the persons involved in the relationship.
 - b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[32]
 - c. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[33]
 - d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:[32]
 - i. Fear for their safety or the safety of others.
 - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.[26][27][30]

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 Assistant to the Superintendent, Dr. Jason Lohr, as the district's Compliance Officer and Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at: [34]

Address: 200 Poplar Street, Vandergrift, PA 15690

Email: jason.lohr@kiskiarea.com

Phone Number: 724-842-0453

The Compliance Officer and Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of the district's nondiscrimination procedures in the following areas, as appropriate:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.

2. Training - Provide training for students and staff to prevent, identify and alleviate problems of discrimination.
3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to the police, and available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
4. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
5. District Support - Assure that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment, and related areas.
6. Student Evaluation - Review of assessments, procedures, and guidance and counseling materials for stereotyping and discrimination.
7. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing informal reports and formal complaints.

Guidelines

Title IX Sexual Harassment Training Requirements

The Compliance Officer and Title IX Coordinator, investigator(s), decision-maker(s), or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment shall receive the following training, as required or appropriate to their specific role:

1. Definition of sexual harassment.
2. Scope of the district's education program or activity, as it pertains to what is subject to Title IX regulations.
3. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals and informal resolution processes, as applicable.
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.
5. Use of relevant technology.
6. Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
7. Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.
8. How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or Board policy.

All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.

All training materials shall be posted on the district's website.

Disciplinary Consequences

A student who is determined to be responsible for violation of this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to: [18] [19][20]

1. Loss of school privileges.
2. Permanent transfer to another school building, classroom or school bus.
3. Exclusion from school-sponsored activities.

4. Detention.
5. Suspension.
6. Expulsion.

7. Referral to law enforcement officials.

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[21][35]

Reports of Discrimination

Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in Attachment 2 to this policy.

Reports of Title IX Sexual Harassment

Any reports deemed by the Title IX Coordinator to meet the definition of sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3 to this policy.

Legal

- [1. 22 PA Code 12.1](#)
- [2. 22 PA Code 12.4](#)
- [3. 22 PA Code 15.1 et seq](#)
- [4. 22 PA Code 4.4](#)
- [5. 24 P.S. 1301](#)
- [6. 24 P.S. 1310](#)
- [7. 24 P.S. 1601-C et seq](#)
- [8. 24 P.S. 5004](#)
- [9. 43 P.S. 951 et seq](#)
- [10. 20 U.S.C. 1681 et seq](#)
- [11. 34 CFR Part 106](#)
- [12. 29 U.S.C. 794](#)
- [13. 42 U.S.C. 12101 et seq](#)
- [14. 42 U.S.C. 1981 et seq](#)
- [15. 42 U.S.C. 2000d et seq](#)
- [16. U.S. Const. Amend. XIV, Equal Protection Clause](#)
17. Pol. 103.1
18. Pol. 113.1
19. Pol. 218
20. Pol. 233
21. Pol. 317
22. Pol. 806
23. Pol. 113.2
24. Pol. 113.3
- [25. 20 U.S.C. 1232g](#)
- [26. 34 CFR 106.44](#)
- [27. 34 CFR 106.45](#)
- [28. 34 CFR 106.71](#)
- [29. 34 CFR Part 99](#)

[30. 34 CFR 106.30](#)

31. Pol. 113

[32. 34 U.S.C. 12291](#)

[33. 20 U.S.C. 1092](#)

[34. 34 CFR 106.8](#)

35. Pol. 317.1

[18 Pa. C.S.A. 2709](#)

[20 U.S.C. 1400 et seq](#)

[28 CFR Part 41](#)

[28 CFR Part 35](#)

[34 CFR Part 100](#)

[34 CFR Part 104](#)

[34 CFR Part 110](#)

[U.S. Const. Amend. I](#)

Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 (2020)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

[Office for Civil Rights - Resources for Addressing Racial Harassment](#)

Pol. 122

Pol. 123

Pol. 138

Pol. 216

Pol. 220

Pol. 247

Pol. 249

Pol. 251

Pol. 320

Pol. 701

Pol. 815



103-Attach 1 Report Form.pdf (161 KB)



103-Attach 4 ConfidentialityTemplateLetter.docx (21 KB)



103-Attach 3 Title IX.docx (73 KB)



103-Attach 2 Discrimination.docx (38 KB)

**DISCRIMINATION/HARASSMENT/BULLYING/
HAZING/DATING VIOLENCE/RETALIATION
REPORT FORM**

Note: for purposes of Title IX sex-based discrimination or harassment, this Report Form serves as an informal report, not a complaint of Sex-Based Discrimination or Harassment under Title IX.

The Board declares it to be the policy of this district to provide a safe, positive learning and working environment that is free from bullying; hazing; dating violence; discrimination; harassment, including sex-based harassment; and retaliation. If you have experienced, or if you have knowledge of any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator's contact information is:

Position: _____

Address: _____

Email: _____

Phone Number: _____

Retaliation Prohibited

The district, its employees and others, including your peers, are prohibited from intimidating, threatening, coercing or discriminating against you for filing this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

Confidentiality

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with applicable law, regulations, Board policy, procedures, and the district's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality, as long as doing so does not preclude the school from responding effectively to the report. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the district has an obligation to investigate the information provided.

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

I am a(n):

☐ Student ☐ Parent/Guardian ☐ Employee ☐ Volunteer ☐ Visitor

☐ Other _____ (please explain relationship to the district education program or activity)

If you are not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is: ☐ Your Child ☐ Another Student ☐ A District Employee

☐ Other: _____ (please explain relationship to the alleged victim)

II. Information About the Person(s) You Believe is/are Responsible for the Conduct You are Reporting

What is/are the name(s) of the individual(s) you believe is/are responsible for the conduct you are reporting?

Name(s):

The reported individual(s) is/are:

☐ Student(s) ☐ Employee(s)

☐ Other _____ (please explain relationship to the district)

III. Description of the Conduct You are Reporting

In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:

When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report?

☐ Yes ☐ No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?

Is there anything else you wish the Title IX Coordinator to know at this time?

I affirm that the information reported above is true to the best of my knowledge, information and belief.

Signature of Person Making the Report

Date

Received By

Date

FOR OFFICIAL USE ONLY

This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.

The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sex-based discrimination or harassment, other forms of discrimination or harassment, or if the matter merits review and action under the Code of Student Conduct and/or other Board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports (including those that may be received through the Safe2Say Something program) to assess the report.

Upon receipt of the report, the Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, to discuss reasonable safety concerns and to discuss the availability of supportive measures as described in Policy 103 and the Grievance Procedures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

I. Reporter Information:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

Reporter is a(n):

☐ Student ☐ Parent/Guardian ☐ Employee ☐ Volunteer ☐ Visitor

☐ Other _____ (please explain relationship to the student or district)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is: ☐ Reporter's Child ☐ Another Student ☐ Another Employee

☐ Other: _____ (please explain relationship to the alleged victim)

II. Respondent Information

Please state the name(s) of the individual(s) believed to have conducted the reported violation:

Name(s):

The reported respondent(s) is/are:

☐ Student(s) ☐ Employee(s)

☐ Other _____ (please explain relationship to the district)

III. Type of Report:

☐ Title IX Sex-Based Discrimination ☐ Title IX Sex-Based Harassment

☐ Discrimination/Harassment ☐ Retaliation ☐ Bullying

☐ Hazing ☐ Dating Violence ☐ Other _____

Nature of the Report (check all that apply):

☐ Race	☐ Age
☐ Color	☐ Religious Creed
☐ Religion	☐ Sex
☐ Sexual Orientation	☐ Pregnancy or Related Conditions
☐ National Origin	☐ Ancestry
☐ Marital Status	☐ Handicap/Disability

IV. Reported Conduct

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).

How often did the conduct occur?

Does the complainant believe the conduct will continue? ☐ Yes ☐ No

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act? If unsure, contact the Director of Special Education.

☐ No.

☐ Yes, please identify the student with a disability and contact the Director of Special Education.

Date Director of Special Education was contacted: _____

How has the conduct affected the alleged victim's ability to fully participate in the school's academic, programs, activities or school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

Identify additional evidence that may be helpful in the course of the investigation.

V. Safety Concerns

Are there reasonable safety concerns that may require Emergency Removal of or Administrative Leave for a respondent? (This requires an individualized safety and risk analysis as to whether there is an imminent and serious threat to the physical health or safety of a student or other individual.)

☐ No.

☐ Yes, please describe:

VI. Other Reports

Has the conduct been reported to law enforcement or any other agency?

☐ No

☐ Yes Date reported: _____ Agency: _____

VII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

- ☐ Policy 103. Discrimination/Harassment Affecting Students
- ☐ Policy 104. Discrimination/Harassment Affecting Staff
- ☐ Policy 234. Pregnancy and Related Conditions
- ☐ Policy 247. Hazing
- ☐ Policy 249. Bullying
- ☐ Policy 252. Dating Violence
- ☐ Other _____

To meet the definition of Title IX sex-based discrimination or harassment, the conduct must have taken place during a district education program or activity against a person in the United States and be subject to the district's disciplinary authority. An education program and activity includes, but is not limited to, academic, extracurricular, research, occupational training and other education programs and activities of the district. The district is obligated to address a sex-based hostile environment in a district education program or activity, even when some conduct is outside the district's program or activity, or outside of the United States.

Did the incident occur during a during a school program or activity involving a person in the United States?

☐ Yes

☐ No

To meet the definition of Title IX sex-based discrimination or harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

- ☐ Discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation or gender identity.
- ☐ A district employee or other person authorized to provide a district aid, benefit or service explicitly or impliedly conditions the provision of the aid, benefit or service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo harassment.

☐ *Hostile environment harassment* - unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a district education program or activity. Determination of whether a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to:

- The degree to which the conduct affected the complainant's ability to access the district's education program or activity;
- The type, frequency and duration of the conduct;
- The complainant's and respondent's ages, roles in the district education program or activity, previous interactions and other relevant factors;
- The location and context in which the conduct occurred; and
- Other sex-based harassment in the district's education program or activity

☐ Sexual assault, dating violence, domestic violence or stalking.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:

- Length of relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Sexual assault means a sexual offense under a state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Stalking means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:

1. Fear for their safety or the safety of others.
2. Suffer substantial emotional distress.

VIII. Recommended Course of Action

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

☐ No further action at this time. Reason:

☐ Policy 247. Hazing

☐ Policy 249. Bullying

☐ Policy 252. Dating Violence

☐ Policy 317.1 Educator Misconduct

☐ Policy 806. Child Abuse

☐ Other _____

☐ Policy 103 Discrimination/Harassment Affecting Students: Discrimination Complaint Procedures

☐ Policy 104 Discrimination/Harassment Affecting Staff: Discrimination Complaint Procedures

☐ Policy 103. Discrimination/Harassment Affecting Students: Grievance Procedures

☐ Policy 104. Discrimination/Harassment Affecting Staff: Grievance Procedures

IX. Title IX Information to Complainant

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures and reasonable safety concerns?

Upon designating a course of action under Title IX sex-based discrimination or harassment, the Title IX Coordinator will promptly:

1. Explain to the complainant the process for filing a complaint and provide information about the Grievance Procedures and informal resolution process, if applicable.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a complaint.
3. The Title IX Coordinator shall contact a student complainant's parents/guardians and provide them with information regarding the report and Title IX sex-based discrimination and harassment Grievance Procedures.

If the complainant/reporter, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals, including the Superintendent, and upon advice of legal counsel, and upon the request of law enforcement or child welfare agency, whether to withhold or delay notification of the report from the complainant's parents/guardians.

4. Determine what supportive measures may be offered to the respondent.
5. Determine whether the complainant wishes this report to be treated as a complaint.

X. Title IX Coordinator Signature

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator: _____

Date: _____

XI. District-Initiated Title IX Complaint

If the complainant does not wish this report to be treated as a complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether initiation of the Grievance Procedures is necessary to investigate and address the situation adequately. This assessment shall be fact specific, including at a minimum, the following factors:

1. The complainant's request not to proceed with initiation of a complaint pursuant to Title IX.
2. The complainant's reasonable safety concerns regarding the initiation of a complaint pursuant to Title IX.
3. The risk that additional acts of sex-based discrimination or harassment would occur if a complaint is not initiated.
4. The severity of the allegation, including whether the sex-based discrimination or harassment, if established, would require the removal of the respondent from campus or imposition of another disciplinary sanction to end the discrimination or harassment and prevent its recurrence.

5. The age and relationship of the parties, including whether the respondent is a district employee.
6. The scope of the allegation, including information suggesting a pattern, ongoing sex-based discrimination or harassment or sex-based discrimination or harassment alleged to have impacted multiple individuals.
7. The availability of evidence to assist a decision-maker in determining whether sex-based discrimination or harassment occurred.
8. Whether the district could end the alleged sex-based discrimination or harassment and prevent its recurrence without initiating the Grievance Procedures.

The Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

If after assessment of the factors above and any other relevant factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other person, or that the alleged conduct prevents the district from ensuring equal access on the basis of sex to the district's education programs or activities, the Title IX Coordinator will notify the complainant of the decision prior to filing the complaint and the Title IX Coordinator will take measures to appropriately address reasonable concerns about the complainant's safety or the safety of others, including the provision of supportive measures.

As Title IX Coordinator, I have determined that, notwithstanding the complainant's preference, it is necessary to proceed with the initiation of the Grievance Procedures for the following reasons:

Therefore, I am signing this form for the purpose of serving as the complaint initiating the Grievance Procedures:

Title IX Coordinator's Signature: _____

Date: _____



Book	Policy Manual
Section	100 Programs
Title	Discrimination/Harassment Affecting Students
Code	103 Vol IV 2024
Status	First Reading
Adopted	May 15, 2006
Last Revised	October 19, 2020

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 and activities offered in the schools without discrimination on the basis of race, color, age, **religious** creed, religion, sex, sexual orientation, **gender identity**, ancestry, national origin, marital status, pregnancy or handicap/disability.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)[\[18\]](#)

The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting **sex-based discrimination and** harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the **Office for** Civil Rights of the U.S. Department of Education, or both.

The district is committed to the maintenance of a safe, positive learning environment for all students that is free from discrimination by providing all students **admission**, course offerings, counseling, assistance, services, employment, athletics and extracurricular activities without any form of discrimination, including Title IX **sex-based discrimination or** harassment. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the district and is prohibited at or in the course of district-sponsored programs or activities, including transportation to or from school or school-sponsored activities.

Definitions

General Definitions

Complaint shall mean an oral or written request to the district that objectively can be understood as a request to investigate and make a determination about alleged discrimination.[\[19\]](#)

Complainant shall mean a student who is alleged to have been subjected to conduct that could constitute discrimination in accordance with law and this policy, or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination and who was participating or attempting to participate in a district education program or activity at the time of the alleged discrimination.[\[19\]](#)

Pregnancy or related conditions, as defined in federal law, shall mean:[\[19\]](#)[\[20\]](#)

1. **Pregnancy, childbirth, termination of pregnancy, or lactation;**
2. **Medical conditions related to pregnancy, childbirth, termination of pregnancy, lactation; or**
3. **Recovery from pregnancy, childbirth, termination of pregnancy, lactation or related medical conditions.**

Pregnancy, as defined in state law, shall include the use of assisted reproductive technology, the state of being in gestation, childbirth, breastfeeding, the postpartum period after childbirth and medical conditions related to pregnancy.[\[21\]](#)

Respondent shall mean a person who is alleged to have violated the district's prohibition on discrimination in accordance with applicable law and this policy.[\[19\]](#)

Retaliation shall mean intimidation, threats, coercion or discrimination against any person by the district, a student, employee or other person authorized to provide a district aid, benefit or service, for the purpose of interfering with any right or privilege under applicable law or Board policy, or because the person has reported information, made a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing, including an informal resolution process or any other actions taken by the district in accordance with applicable law and this policy and procedures. This term shall not include the district requiring an employee or other individual providing a district aid, benefit or service to participate or assist with an investigation, proceeding or hearing in accordance with applicable law and this policy.[\[19\]](#)[\[22\]](#)

Discrimination Other Than Title IX

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, **religious** creed, religion, sex, **gender identity**, sexual orientation, ancestry, national origin, marital status, pregnancy, or handicap/disability.

Harassment is a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when such conduct is:

1. Sufficiently severe, persistent or pervasive; and
2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by a school.

Religious creed includes all aspects of religious observance, practice or belief.[\[23\]](#)

Religious beliefs include:[\[21\]](#)

1. **Moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.**
2. **The beliefs a complainant professes without regard to whether a religious group espouses these beliefs.**

Race includes all of the following:[\[21\]](#)[\[24\]](#)

1. **Ancestry, national origin or ethnic characteristics.**
2. **Interracial marriage or association.**
3. **Traits associated with race, which includes but is not limited to, hair texture and protective hairstyles, such as braids, locks and twists.**
4. **Hispanic ancestry, national origin or ethnic characteristics.**
5. **Persons of any other national origin or ancestry as specified by a complainant or in a complaint.**

Sex includes:[\[21\]](#)[\[25\]](#)

1. **Pregnancy.**

2. **Sex assigned at birth.**
3. **Gender, including a person's gender identity or gender expression. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is part of a person's core identity.**
4. **Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality.**
5. **Differences of sex development, variations of sex characteristics or other intersex characteristics.**

Definitions Related to Title IX

Title IX sex-based discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.[\[19\]](#)[\[26\]](#)[\[27\]](#)

Title IX sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including:[\[19\]](#)

1. ***Quid pro quo harassment*** – a district employee **or other person authorized to provide a district aid, benefit or service explicitly or impliedly** conditioning the provision of a **district** aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
2. ***Hostile environment harassment*** - unwelcome **sex-based** conduct **that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a district education program or activity. Determination of whether a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to:**
 - a. **The degree to which the conduct affected the complainant's ability to access the district's education program or activity;**
 - b. **The type, frequency and duration of the conduct;**
 - c. **The complainant's and respondent's ages, roles in the district education program or activity, previous interactions and other relevant factors;**
 - d. **The location and context in which the conduct occurred; and**
 - e. **Other sex-based harassment in the district's education program or activity.**
3. Sexual assault, dating violence, domestic violence or stalking.
 - a. ***Dating violence*** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:[\[28\]](#)
 - i. Length of relationship.
 - ii. Type of relationship.
 - iii. Frequency of interaction between the persons involved in the relationship.
 - b. ***Domestic violence*** includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[\[28\]](#)

- c. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. [\[29\]](#)
- d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either: [\[28\]](#)
 - i. Fear for their safety or the safety of others.
 - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as **sex-based discrimination or harassment** under Title IX. **This includes conduct that is subject to the district's disciplinary authority. An education program or activity includes, but is not limited to, academic, extracurricular, research, occupational training and other education programs or activities of the district. The district is obligated to address a sex-based hostile environment in a district education program or activity, even when some conduct is outside the district's program or activity, or outside of the United States.** [\[27\]](#)[\[30\]](#)[\[31\]](#)[\[32\]](#)

Parent/Guardian, for the purposes of this policy and Title IX, shall mean the status of a person who with respect to another person who is under the age of eighteen (18) or who is eighteen (18) or older but is incapable of self-care because of a physical or mental disability, is: [\[19\]](#)

1. **A biological parent;**
2. **An adoptive parent;**
3. **A foster parent;**
4. **A stepparent;**
5. **A legal custodian or guardian;**
6. **In loco parentis with respect to such person; or**
7. **Actively seeking legal custody, guardianship, visitation or adoption of such a person.**

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, **without unreasonably burdening a complainant or respondent** and without fee or charge to the complainant or the respondent, **in order to:** [\[19\]](#)[\[31\]](#)

1. **Restore or preserve access to the district's education program or activity, including measures designed to protect the safety of the individuals or the district's educational environment; or**
2. **Provide support during the grievance procedures or during an informal resolution process.**

Supportive measures may include, but are not limited to: [\[31\]](#)

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. **Restrictions on contact applied to one or more parties.**
6. Changes in **class, work, housing or extracurricular or other activities.**
7. Leaves of absence.

8. Increased security.
9. Monitoring of certain areas of the campus.
10. **Training and education programs related to sex-based harassment.**
11. Assistance from domestic violence or rape crisis programs.
12. Assistance from community health resources, including counseling resources.

Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations **and** Board policy. **The Title IX Coordinator shall consult with the Director of Special Education in the implementation of supportive measures for students with an IEP or Section 504 Service Agreement.**[18][31][33][34][35][36]

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[37]

Superintendent as the district's Compliance Officer and Assistant to the Superintendent for K-12 Education and School Safety as the district's Title IX Coordinator.

The Compliance Officer can be contacted at:

Address: 200 Poplar Street, Vandergrift, PA 15690
 Email: jason.lohr@kiskiarea.com
 Phone Number: 724-845-2022

The Title IX Coordinator can be contacted at:

Address: 200 Poplar Street, Vandergrift, PA 15690
 Email: chad.roland@kiskiarea.com
 Phone Number: 724-845-2022

The Compliance Officer and Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures, **to monitor and address barriers to reporting** and to monitor the implementation of the district's nondiscrimination procedures in the following areas, as appropriate:[31]

1. Curriculum and Materials – Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. **Counseling and Classes – Review of counseling and appraisal materials and access to classes and programs for stereotyping, bias and discrimination. If the district identifies that particular classes or courses contain a disproportionate number of individuals of one (1) sex, the district shall conduct a review to determine that the disproportion is not based on discriminatory practices.**[38]
3. Training – Provide training for students and staff to prevent, identify and alleviate **conduct which may constitute discrimination or harassment.**
4. Resources – Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to **law enforcement**, and available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.
5. Student Access – Review of programs, activities, **facilities** and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.[27][38][39]

6. District Support – Assure that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment and related areas. [\[40\]](#)[\[41\]](#)[\[42\]](#)
7. Student Evaluation – Review of assessments, procedures **and standards of measurement** for stereotyping and discrimination. [\[43\]](#)
8. Reports/**Complaints** – Monitor and provide technical assistance to individuals involved in managing **reports and complaints**.

Guidelines

When district programs and activities include separation on the basis of sex, in accordance with law and regulations, including but not limited to separate restroom or changing facilities or separate health and physical fitness activities, the district shall not implement such programs or activities in a manner that discriminates on the basis of sex, including an individual's gender identity.[\[27\]](#)[\[39\]](#)

Violations of this policy, including acts of retaliation as **defined** in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures, **and in accordance with applicable law and regulations.**[\[32\]](#)[\[34\]](#)[\[44\]](#)[\[45\]](#)[\[46\]](#)

The Board requires a notice stating that the district does not discriminate in any manner, including Title IX **sex-based discrimination and** harassment, in any district education program or activity, to be issued to all students, parents/guardians **or other legal representatives of students**, employees, applicants for **employment or admission**, and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the **name or** title, office address, phone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator. **The district's notice shall provide information on the location of the Board policy and complaint or grievance procedures, how to report information about conduct prohibited by this policy and how to file a complaint.**[\[37\]](#)

The Board directs that **this notice** be included in each student and staff handbook, **on the district website, and in each catalog, announcement, bulletin and application form for students. An abbreviated statement of the district's prohibition of discrimination, that individuals may report concerns to the Title IX Coordinator and location of the full notice on the district website may be published when necessary due to size or format of publications.**[\[37\]](#)

A copy of this policy and related attachments **shall also** be posted to the district's website.

Reports of Title IX **Sex-Based Discrimination or** Harassment and Other Discrimination and Retaliation

The Board encourages students and third parties who believe they or others have been subject to Title IX **sex-based discrimination or** harassment, other discrimination or retaliation to promptly report such incidents to the building principal **or Title IX Coordinator**, even if some elements of the related incident took place or originated away from school grounds, **education programs or** activities, or school conveyances. A person who is not an intended victim or target of discrimination but is adversely affected by the **conduct** may file a report of discrimination.

The student's parents/guardians or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal or **Title IX Coordinator**.

A school employee who suspects or is notified that a student **may have** been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the **Title IX Coordinator**, as well as properly making any mandatory **law enforcement** or child protective services reports required by law.[\[31\]](#)[\[47\]](#)[\[48\]](#)

If the **Title IX Coordinator** is the subject of a complaint, the student, third party, **building principal** or a reporting employee shall report the incident directly to the **Superintendent or designee**.

The complainant or the individual making the report may use the Discrimination/**Harassment**/Bullying/Hazing/Dating Violence/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, **oral** reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

The building principal shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX **sex-based discrimination and** harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures **and reasonable safety concerns.**[\[31\]](#)

The Title IX Coordinator shall conduct an assessment to determine whether the reported **conduct meets** the definition of Title IX **sex-based discrimination or** harassment and **the appropriate procedures to address the conduct in accordance with this Board policy and procedures, or other Board policies.**[\[31\]](#)

If the Title IX Coordinator reasonably determines that the conduct may constitute sex-based discrimination or harassment, the Title IX Coordinator shall take the following steps under Title IX and this Board policy and procedures:[\[31\]](#)

1. **Treat the complainant and respondent equitably.**
2. **Offer and coordinate supportive measures, as appropriate, for the complainant and respondent.**
3. **Notify the complainant or individual who reported the conduct of the grievance procedures and informal resolution process, if available and appropriate.**
4. **If a complaint is made, notify the respondent of the grievance procedures and, if applicable, the informal resolution process.**
5. **Initiate the grievance procedures or informal resolution process, if available and appropriate.**
6. **In the absence of a complaint or withdrawal of any or all allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint under the grievance procedures, in accordance with law, regulations and the grievance procedures.**
7. **If initiating a complaint under the grievance procedures, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety and the safety of others, including by providing supportive measures.**
8. **Take other prompt and effective steps to ensure that sex-based discrimination and harassment does not continue or recur within the district's education programs or activities.**

Disciplinary Procedures When Reports Allege Title IX **Sex-Based Discrimination or** Harassment

When a report alleges Title IX **sex-based discrimination or** harassment, disciplinary sanctions may not be imposed until the completion of the grievance **procedures**. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance **procedures.**[\[32\]](#)

When an emergency removal, as described **in the grievance procedures, is** warranted to address an **imminent and serious** threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable. **The district shall provide the respondent with notice and an opportunity to challenge the emergency removal immediately following the removal.**[\[31\]](#)[\[34\]](#)[\[35\]](#)[\[36\]](#)[\[45\]](#)

When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance **procedures**. Following the issuance of the **determination** and any applicable appeal, any disciplinary action specified in the **determination** or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.[\[34\]](#)[\[35\]](#)[\[44\]](#)[\[45\]](#)

Discipline/Placement of Student Convicted or Adjudicated of Sexual Assault

Upon notification of a conviction or adjudication of a student in this district for sexual assault against another student enrolled in this district, the district shall comply with the disciplinary or placement requirements established by state law and Board policy.[\[49\]](#)[\[50\]](#)

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report and the investigation related to any form of discrimination or retaliation, including Title IX **sex-based discrimination or harassment**, shall be handled in accordance with applicable law, regulations, **Board policy and procedures**, and the district's legal and investigative obligations **to carry out the grievance procedures**.[\[22\]](#)[\[32\]](#)[\[51\]](#)[\[52\]](#)

The district shall not disclose personally identifiable information except in the following circumstances:[\[31\]](#)[\[51\]](#)[\[53\]](#)[\[54\]](#)

1. **When the district has obtained prior written consent in accordance with law.**
2. **When the information is disclosed to a parent/guardian as defined in this policy or other authorized legal representative with the legal right to receive disclosures on behalf of the individual.**
3. **To carry out the requirements of this policy and the accompanying procedures.**
4. **As required or permitted by applicable law or regulations or the requirements of grant funding.**

Retaliation

The Board prohibits retaliation, **including peer retaliation between students**, by the district or any other person against any person for:[\[19\]](#)[\[22\]](#)

1. Reporting or making a **complaint of conduct that may constitute** discrimination or retaliation, including Title IX **sex-based discrimination or harassment**.
2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.
3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The district, its employees and others are prohibited from intimidating, threatening, coercing or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have occurred. **The district shall respond to reports of retaliation by initiating the appropriate procedures in accordance with applicable law, regulations and this Board policy. Retaliation that falls under Title IX shall be addressed through the grievance procedures or, as appropriate, through the informal resolution process.**[\[22\]](#)

Title IX **Sex-Based Discrimination and Harassment** Training Requirements

The district shall provide training annually to all school employees on:[\[37\]](#)

1. **The district's obligation to address sex-based discrimination and harassment in district education programs and activities.**
2. **The scope of conduct that constitutes sex-based discrimination and harassment, as defined in the law and this policy.**
3. **Staff responsibility to provide the Title IX Coordinator's contact information to students or parents/guardians and to notify the Title IX Coordinator regarding conduct that may constitute sex-based discrimination or harassment, in accordance with this Board policy and procedures.**

The Compliance Officer and Title IX Coordinator, investigators, decision-makers, any **staff responsible to implement grievance procedures** related to Title IX **sex-based discrimination or harassment** and any **staff authorized to modify or terminate supportive measures** shall receive the following training **annually**, as required or appropriate to their specific role:[\[37\]](#)

1. **The district's obligations under Title IX, including definitions of sex-based discrimination and harassment.**
2. **The grievance procedures used to address Title IX complaints.**
3. **How to conduct an investigation**, including examination of evidence, drafting **reports and determinations, and** handling appeals, as applicable.
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.
5. Issues of relevance **in relation to** questions and evidence, **and the types of evidence that are impermissible regardless of relevance.**

Staff designated to facilitate the informal resolution process shall receive training annually on the rules and practices associated with the informal resolution process and how to serve impartially, including by avoiding conflicts of interest and bias.[\[37\]](#)

The Title IX Coordinator and designees shall receive the following training annually, in addition to all other training required by Title IX and this policy:[\[37\]](#)

1. **Specific responsibilities of the Title IX Coordinator, in accordance with law and Board policy and procedures.**
2. **The district's recordkeeping system and requirements for recordkeeping in accordance with Title IX and Board policy and administrative regulations.**[\[53\]](#)[\[54\]](#)[\[55\]](#)[\[56\]](#)
3. **Any other training required to coordinate the district's compliance with Title IX and other applicable laws, regulations and Board policy.**

All training materials shall be retained for at least seven (7) years and must be made available for inspection upon request from a member of the public.[\[37\]](#)[\[56\]](#)[\[57\]](#)

Disciplinary Consequences

A student **whose conduct** is determined to be **in** violation of this policy, **including a determination of sex-based harassment**, shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:[\[34\]](#)[\[44\]](#)[\[45\]](#)

1. Loss of school privileges.
2. Permanent transfer to another school building, classroom or school bus.
3. Exclusion from school-sponsored **and extracurricular** activities.
4. Detention.
5. Suspension.
6. Expulsion.
7. Referral to law enforcement officials.

An employee who violates this policy, **including a determination of sex-based harassment**, shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[\[46\]](#)[\[58\]](#)

Handling of Reports

All reports of discrimination or Title IX sex-based discrimination or harassment shall be handled in accordance with the Grievance Procedures attached to this policy.[\[32\]](#)

Legal

- [1. 24 P.S. 1301](#)
- [2. 24 P.S. 1310](#)
- [3. 24 P.S. 1601-C et seq](#)
- [4. 22 PA Code 4.4](#)
- [5. 22 PA Code 12.1](#)
- [6. 22 PA Code 12.4](#)
- [7. 22 PA Code 15.1 et seq](#)
- [8. 24 P.S. 5004](#)
- [9. 43 P.S. 951 et seq](#)
- [10. 16 PA Code 41.201 et seq](#)
- [11. 20 U.S.C. 1681 et seq](#)
- [12. 34 CFR Part 106](#)
- [13. 29 U.S.C. 794](#)
- [14. 42 U.S.C. 1981 et seq](#)
- [15. 42 U.S.C. 2000d et seq](#)
- [16. 42 U.S.C. 12101 et seq](#)
- [17. U.S. Const. Amend. XIV, Equal Protection Clause](#)
18. Pol. 103.1
- [19. 34 CFR 106.2](#)
20. Pol. 234
- [21. 16 PA Code 41.204](#)
- [22. 34 CFR 106.71](#)
- [23. 16 PA Code 41.205](#)
- [24. 16 PA Code 41.207](#)
- [25. 16 PA Code 41.206](#)
- [26. 34 CFR 106.10](#)
- [27. 34 CFR 106.31](#)
- [28. 34 U.S.C. 12291](#)
- [29. 20 U.S.C. 1092](#)
- [30. 34 CFR 106.11](#)
- [31. 34 CFR 106.44](#)
- [32. 34 CFR 106.45](#)
33. Pol. 113
34. Pol. 113.1
35. Pol. 113.2
36. Pol. 113.3
- [37. 34 CFR 106.8](#)
- [38. 34 CFR 106.34-106.36](#)
- [39. 34 CFR 106.41](#)
- [40. 34 CFR 106.33](#)
- [41. 34 CFR 106.37](#)
42. Pol. 150
- [43. 34 CFR 106.43](#)

44. Pol. 218
45. Pol. 233
46. Pol. 317
47. Pol. 805.1
48. Pol. 806
[49. 24 P.S. 1318.1](#)
50. Pol. 218.3
[51. 20 U.S.C. 1232g](#)
[52. 34 CFR Part 99](#)
53. Pol. 113.4
54. Pol. 216
55. Pol. 324
56. Pol. 800
57. Pol. 801
58. Pol. 317.1
[20 U.S.C. 1400 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](#)
[U.S. Const. Amend. I](#)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 (2020)
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Office for Civil Rights - Fact Sheet: Harassment Based on Race, Color, or National Origin on School Campuses (July 2024)
[Office for Civil Rights - Resources for Addressing Racial Harassment](#)
[18 Pa. C.S.A. 2709](#)
Pol. 122
Pol. 123
Pol. 138
Pol. 220
Pol. 247
Pol. 249
Pol. 251
Pol. 252
Pol. 320
Pol. 701
Pol. 815



103 Report Form.pdf (351 KB)



103-Discrimination Complaint Procedures.docx (50 KB)



103-Grievance Procedures.docx (98 KB)



103-ConfidentialityTemplate Letter.docx (29 KB)

**DISCRIMINATION/SEXUAL HARASSMENT/BULLYING/
HAZING/DATING VIOLENCE/RETALIATION
REPORT FORM**

The Board declares it to be the policy of this district to provide a safe, positive learning and working environment that is free from bullying, hazing, dating violence, sexual harassment and other discrimination, and retaliation. If you have experienced, or if you have knowledge of, any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator's contact information is:

Position: _____

Address: _____

Email: _____

Phone Number: _____

Retaliation Prohibited

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against you for filing this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

Confidentiality

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with applicable law, regulations, Board policy, procedures, and the district's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality as long as doing so does not preclude the school from responding effectively to the report. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the district has an obligation to investigate the information provided.

Note: For purposes of Title IX sexual harassment, this Report Form serves initially as an informal report, not a formal complaint of Sexual Harassment under Title IX.

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

I am a:

☐ Student ☐ Parent/Guardian ☐ Employee ☐ Volunteer ☐ Visitor

☐ Other _____ (please explain relationship to the district)

If you are not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is: ☐ Your Child ☐ Another Student ☐ A District Employee

☐ Other: _____ (please explain relationship to the alleged victim)

II. Information About the Person(s) You Believe is/are Responsible for the Bullying, Hazing, Harassing or Other Discrimination You are Reporting

What is/are the name(s) of the individual(s) you believe is/are responsible for the conduct you are reporting?

Name(s):

The reported individual(s) is/are:

☐ Student(s) ☐ Employee(s)

☐ Other _____ (please explain relationship to the district)

III. Description of the Conduct You are Reporting

In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:

When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report?

☐ Yes ☐ No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?

I affirm that the information reported above is true to the best of my knowledge, information and belief.

Signature of Person Making the Report

Date

Received By

Date

FOR OFFICIAL USE ONLY

This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.

The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sexual harassment or if the matter merits review and action under the Code of Student Conduct and/or other Board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports (including those that may be received through the Safe2Say Something program) to assess the report.

Upon receipt of the report, The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures as described in Policy 103 and Attachment 3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

I. Reporter Information:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

Reporter is a:

☐ Student ☐ Parent/Guardian ☐ Employee ☐ Volunteer ☐ Visitor

☐ Other _____ (please explain relationship to the district)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is: ☐ Reporter's Child ☐ Another Student ☐ Another Employee

☐ Other: _____ (please explain relationship to the alleged victim)

II. Respondent Information

Please state the name(s) of the individual(s) believed to have conducted the reported violation:

Name(s):

The reported respondent(s) is/are:

- ☐ Student(s) ☐ Employee(s)
- ☐ Other _____ (please explain relationship to the district)

III. Level of Report:

- ☐ Informal ☐ Formal (see additional information below on Title IX formal complaints)

IV. Type of Report:

- ☐ Title IX Sexual Harassment ☐ Discrimination ☐ Retaliation ☐ Bullying
- ☐ Hazing ☐ Dating Violence ☐ Other _____

Nature of the Report (check all that apply):

- | | |
|--|---|
| ☐ Race | ☐ Age |
| ☐ Color | ☐ Creed |
| ☐ Religion | ☐ Sex |
| ☐ Sexual Orientation | ☐ Sexual Harassment (Title IX) |
| ☐ National Origin | ☐ Ancestry |
| ☐ Marital Status | ☐ Pregnancy |
| ☐ Handicap/Disability | ☐ Bullying |
| ☐ Hazing | ☐ Dating Violence |

V. Reported Conduct

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).

How often did the conduct occur?

Is it being repeated? ☐ Yes ☐ No

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act?

☐ No.

☐ Yes, please identify the student with a disability and contact the Director of Special Education.

Date Director of Special Education was contacted: _____

How has the conduct affected the alleged victim's ability to fully participate in the school's academic, programs, activities or school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

VI. Safety Concerns

Are there safety concerns that may require Emergency Removal of or Administrative Leave for a respondent? (This requires an individualized safety and risk analysis as to whether there is an immediate threat to the physical health or safety of a student or other individual.)

☐ No.

☐ Yes, please describe:

VII. Other Reports

Has the conduct been reported to the police or any other agency?

☐ No

☐ Yes Date reported: _____ Agency: _____

VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

- ☐ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students
- ☐ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff
- ☐ Policy 247. Hazing
- ☐ Policy 249. Bullying
- ☐ Policy 252. Dating Violence
- ☐ Other _____

To meet the definition of Title IX sexual harassment, the conduct must have taken place during a district education program or activity involving a person in the United States. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.

Did the incident occur during a during a school program or activity involving a person in the United States?

☐ Yes

☐ No

To meet the definition of Title IX sexual harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

- ☐ A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual harassment.
- ☐ Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
- ☐ Sexual assault, dating violence, domestic violence or stalking.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:

- Length of relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Sexual assault means a sexual offense under a state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Stalking means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:

1. Fear for their safety or the safety of others.
2. Suffer substantial emotional distress.

IX. Recommended Course of Action

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

☐ No further action at this time. Reason:

☐ Policy 247. Hazing

☐ Policy 249. Bullying

☐ Policy 252. Dating Violence

☐ Other _____

☐ Policy 103 Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 2
Discrimination Complaint Procedures

- ☐ Policy 104 Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 2
Discrimination Complaint Procedures
- ☐ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 3 Title
IX Sexual Harassment Procedures and Grievance Process for Formal Complaints
- ☐ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 3 Title IX
Sexual Harassment Procedures and Grievance Process for Formal Complaints

X. Title IX Information to Complainant

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures?

Upon designating a course of action under Title IX sexual harassment, the Title IX Coordinator will promptly:

1. Explain to the complainant the process for filing a formal complaint.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.
3. The Title IX Coordinator shall contact a student complainant's parents/guardians and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.

If the complainant/reporter, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the report from the complainant's parents/guardians.

4. Determine what supportive measures may be offered to the respondent.
5. Determine whether the complainant wishes this report to be treated as a formal complaint.

XI. Title IX Coordinator Signature

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator: _____

Date: _____

XII. Title IX Formal Complaint Action

The Title IX Coordinator shall have the complainant check the appropriate box and sign and date below to indicate whether or not the complainant wishes to have this form serve as a formal complaint pursuant to Title IX.

I would like my report to be treated as a formal complaint pursuant to Title IX.

☐ Yes

☐ No

Complainant's Signature: _____

Date: _____

If the complainant does not wish this report to be treated as a formal complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. The Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

As Title IX Coordinator, I have determined that, notwithstanding the complainant's preference, it is necessary to proceed with the Grievance Process for Formal Complaints for the following reasons:

Therefore, I am signing this form for the purpose of serving as the formal complaint initiating that process:

Title IX Coordinator's Signature: _____

Date: _____

Template for Letter Documenting Parental Objection to Child's Participation in an Investigation

NOTE: THIS DOCUMENT SERVES AS A TEMPLATE ONLY AND HAS TO BE MODIFIED BY THE SCHOOL ENTITY PRIOR TO USE. THE DOCUMENT CANNOT BE USED IN ITS CURRENT FORM.

[DISTRICT LETTERHEAD]

ADDRESSED TO: **Alleged Victim's Parents/Guardians**

RE: **Report** of discrimination made on **[DATE]** on behalf of **[STUDENT]**

Dear _____:

On **[DATE]** you met with **[NAME OF: BUILDING PRINCIPAL, COMPLIANCE OFFICER, TITLE IX COORDINATOR]** to discuss an alleged violation of **[SCHOOL DISTRICT'S]** Policy No. 103, prohibiting **Title IX sexual harassment and other discrimination affecting students**. The allegations involved ***[VERY BRIEF DESCRIPTION OF INCIDENT OR GENERAL INCIDENTS WITHOUT NAMING NAMES, e.g. that a fellow student reported a teacher in the high school inappropriately texted your child suggesting they have dinner together; that your student reported a classmate in math class has been touching their thigh every day and talking about how cute they are, making them uncomfortable; that a custodian reported hearing an identified group of students use racial slurs against your child; that your child reported to you that a teacher criticized your family's religion as being terroristic, etc.].***

In this discussion, you stated that you wish to maintain confidentiality and do not consent to **[STUDENT'S]** participation in an investigation. Because the district has a legal obligation to address potential violations of Policy 103, the district will conduct an investigation and maintain confidentiality to the extent this is consistent with the district's obligations to address and prevent violations of this policy. Any violations of policy which may be uncovered through this investigation will be addressed. The **[SCHOOL DISTRICT]** prohibits retaliation against any individual who has made a complaint, and alleged victims or individuals who participate in related investigations. If at any time you wish to withdraw your request for confidentiality and have your child participate in the investigation, please notify me immediately. If at any time your child believes there have been additional violations of Policy 103, including any retaliatory behavior, please contact me at your earliest convenience to permit the district to properly address such matters. This will be treated as a new complaint with a new opportunity to determine your child's participation.

Feel free to contact me with any questions. My contact information is:

Sincerely,

Title IX Coordinator

103. CONFIDENTIALITY TEMPLATE LETTER

Template for Letter Documenting Parental Objection to Child's Participation in an Investigation

NOTE: THIS DOCUMENT SERVES AS A TEMPLATE ONLY AND HAS TO BE MODIFIED BY THE SCHOOL ENTITY PRIOR TO USE. THE DOCUMENT CANNOT BE USED IN ITS CURRENT FORM.

[DISTRICT LETTERHEAD]

ADDRESSED TO: **Complainant's Parents/Guardians or Other Authorized Legal Representative**

RE: **Report** of discrimination/harassment made on [DATE] on behalf of [STUDENT]

Dear _____:

On [DATE] you met with [NAME OF: BUILDING PRINCIPAL, COMPLIANCE OFFICER, TITLE IX COORDINATOR] to discuss an alleged violation of [SCHOOL DISTRICT'S] Policy No. 103, prohibiting discrimination and harassment affecting students. The allegations involved *[VERY BRIEF DESCRIPTION OF INCIDENT OR GENERAL INCIDENTS WITHOUT NAMING NAMES, e.g. that a fellow student reported a teacher in the high school inappropriately texted your child suggesting they have dinner together; that your student reported a classmate in math class has been touching their thigh every day and talking about how cute they are, making them uncomfortable; that a custodian reported hearing an identified group of students use racial slurs against your child; that your child reported to you that a teacher criticized your family's religion as being terroristic, etc.]*.

In this discussion, you stated that you wish to maintain confidentiality and do not consent to [STUDENT'S] participation in an investigation. Because the district has a legal obligation to address potential violations of Policy 103, the district will conduct an investigation and maintain confidentiality to the extent this is consistent with the district's obligations to address and prevent violations of this policy. Any violations of policy which may be uncovered through this investigation will be addressed. The [SCHOOL DISTRICT] prohibits retaliation against any individual who has made a complaint, and alleged victims or individuals who participate in related investigations. If at any time you wish to withdraw your request for confidentiality and have your child participate in the investigation, please notify me immediately. If at any time your child believes there have been additional violations of Policy 103, including any retaliatory behavior, please contact me at your earliest convenience to permit the district to properly address such matters. This will be treated as a new complaint with a new opportunity to determine your child's participation.

Feel free to contact me with any questions. My contact information is:

Sincerely,

Title IX Coordinator

103. DISCRIMINATION COMPLAINT PROCEDURES

DISCRIMINATION COMPLAINT PROCEDURES

The Discrimination Complaint Procedures prescribed in this attachment apply to reports of retaliation or discrimination on the basis of race, color, age, religious creed, religion, sex, gender identity, sexual orientation, ancestry, national origin, marital status, pregnancy or related conditions, or handicap/disability that do not constitute Title IX sex-based discrimination or harassment as defined in the Policy 103.

All reports of discrimination will be reviewed by the Title IX Coordinator upon receipt to determine if the allegations meet the definition and parameters of sex-based discrimination and harassment under Title IX. If the result of this review determines that the allegations fall within the scope of Title IX sex -based discrimination and harassment, then the Grievance Procedures set forth for Title IX Sex-Based Discrimination and Harassment will be followed.

[Note: if the same individual is assigned to the roles of Title IX Coordinator and Compliance Officer through Policy 103, please revise the terminology in this document to reflect the position of Title IX Coordinator/Compliance Officer throughout.]

All reports of discrimination and retaliation brought pursuant to the district's discrimination policy **will** also be reviewed for conduct which may not be proven discriminatory under Policy 103 but merits review and possible action under the Code of Student Conduct and other Board policies. (Pol. 103.1, **113.1**, 218, **233**, 247, 249, 252)

Reasonable Accommodations

Throughout the discrimination complaint procedures, the district **will** make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, and address barriers being experienced by disadvantaged students such as English learners, homeless students **and other students experiencing educational instability**, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 138, **234**, 251, 906)

Required Reporting Under Other Policies

In addition to implementing the **complaint** procedures, the building principal or Compliance Officer **will** ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents **involving school safety**, reports of educator misconduct, **bullying**, threats or reports of suspected child abuse. (Pol. 218, **218.1**, **218.2**, **249**, 317.1, 806, 824)

Timeframes

Reasonably prompt timeframes **will** be established for completing each step of the discrimination complaint procedures, including timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action **will** be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party or a witness.
2. **Request from law enforcement or child welfare agency.**
3. Need for language assistance or accommodation of disabilities.

PROCEDURES FOR COMPLAINTS OF DISCRIMINATION

Step 1 – Reporting

A student or individual who believes they have been subject to discrimination by any student, employee or third party is encouraged to immediately report the incident to the building principal using the Discrimination/**Harassment**/Bullying/Hazing/Dating Violence/Retaliation Report Form or by making a general report **orally** or in writing to the building principal.

Parents/Guardians of students have the right to act on behalf of the complainant, the respondent or other individual at any time.

Any person with knowledge of discrimination in violation of Board policy or this procedure is encouraged to immediately report the matter to the building principal.

A school employee who suspects or is notified that a student has been subject to discrimination **will** immediately report the incident to the **Title IX Coordinator or Compliance Officer**. Additionally, employees who have reasonable cause to suspect that a child is the victim of child abuse **will** immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy. (Pol. 806)

The building principal **will** immediately notify the Title IX Coordinator and Compliance Officer of reported discrimination.

If the **Title IX Coordinator or Compliance Officer** is the subject of a complaint, the student, third party or employee **will** report the incident directly to the **Superintendent or designee**.

The complainant or reporting individual **will** be encouraged to use the Discrimination/**Harassment**/Bullying/Hazing/Dating Violence/Retaliation Report Form,

however, complaints **will** be accepted in person, by phone, by mail or email, or by any other means that results in the appropriate individual receiving the **oral** or written report. **Oral** reports **will** be documented using the Discrimination/**Harassment**/Bullying/Hazing/Dating Violence/Retaliation Report Form, and these procedures **will** be implemented.

The Title IX Coordinator **will** review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the Discrimination/**Harassment**/Bullying/Hazing/Dating Violence/Retaliation Report Form. The Title IX Coordinator **will** promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator **will** consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator **will** conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in this **document**, or if the reported circumstances meet the definition and parameters of Title IX **sex-based discrimination or** harassment and are most appropriately addressed through the Grievance **Procedures**, or other applicable Board policies.

If the Title IX Coordinator determines that the report should be addressed through the discrimination complaint procedures, the Compliance Officer **will** be notified and the complaint procedures in this **document will be** implemented.

When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator **will** notify the Director of Special Education and coordinate to determine whether additional steps must be taken for the party, while the discrimination complaint procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations **and** Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

Step 2 – Initial Communications/Supports

The complainant **will** be informed about the Board's policy on discrimination, including the right to an investigation of both **oral** and written reports of discrimination.

The building principal or designee, in consultation with the Compliance Officer, Title IX Coordinator and other appropriate individuals, **will** promptly implement appropriate measures to protect the complainant and others as necessary from violation of the policy throughout the course of the investigation.

The building principal or designee may provide to the complainant factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the **opportunity to report the incident(s) to law enforcement**. The person accepting the complaint **will** handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or respondent.

The building principal or designee **will** seek to obtain consent from parents/guardians to initiate an investigation where the **complainant** is under age eighteen (18), and inform parents/guardians of the complainant that the complainant may be accompanied by a parent/guardian during all steps of the complaint procedure. When a parent/guardian requests confidentiality and will not consent to the **complainant's** participation in an investigation, the building principal or designee **will** explain that the school **will** take all reasonable steps to investigate and respond to the complaint consistent with that request for confidentiality as long as doing so does not preclude the school from responding effectively to the discrimination and preventing discrimination that affects other students.

The building principal or Compliance Officer **will** provide relevant information on resources available in addition to the discrimination complaint procedure, such as making reports to **law enforcement**, available assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.

Informal Remedies -

At any time after a complaint has been reported, if the Compliance Officer believes the circumstances are appropriate, the Compliance Officer may offer the parties involved in the complaint the opportunity to participate in informal remedies to address the reported conduct. Informal remedies can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services or other measures to support the parties.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal remedies **will** document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation to indicate agreement with the resolution and receive a copy, and forward it to the Compliance Officer.

The Compliance Officer **will** contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies, and **will** document all appropriate actions.

*If the informal remedies result in the final resolution of the complaint, the following steps are not applicable.

Step 3 – Investigation

The Compliance Officer **will** assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer or an attorney and **will**

promptly assign the investigation to that individual. When a parent/guardian has requested confidentiality and will not consent to the **complainant's** participation in an investigation, the Compliance Officer **will** provide the parent/guardian with a letter containing information related to the district's legal obligations to conduct an investigation and address violations of Board policy, and any other information appropriate to the specific complaint.

The Compliance Officer **will** ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination and retaliation issues and Board policy, and how to conduct investigations and draft an investigative report.

The investigator **will** work with the Compliance Officer to assess the anticipated scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation.

The investigator **will** conduct an adequate, reliable and impartial investigation. The complainant and the respondent may suggest additional witnesses and provide other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the respondent, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians and witnesses **will** 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 **will** be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

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

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

Step 4 – Investigative Report

The investigator **will** prepare and submit a written report to the Compliance Officer within

{ } twenty (20) school days

{ } thirty (30) school days

{ } _____ school days

of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Compliance Officer to establish a different due date. The parties **will** 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 investigative report **will** 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 Board Policy 103 and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discrimination or harassment **will** consider the record as a whole and the totality of circumstances in determining whether a violation of Board policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the respondent **will** be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written investigative report, to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The respondent **will** not be notified of the individual remedies offered or provided to the complainant.

Step 5 – District Action

If the investigation results in a finding that some or all of the allegations of the discrimination complaint are founded and constitute a violation of Board policy, the district **will** take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district **will** promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the district education program or activity. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer **will** follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 103 or these procedures, or that there are circumstances warranting further action, such matters **will** be addressed at the conclusion of this investigation

or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary. (Pol. 113.1, 218, 233, 247, 249, **317.1, 806, 824**)

Disciplinary actions **will** be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 317, 317.1)

Appeal Procedure

If the complainant or the respondent is not satisfied with a finding made pursuant to these procedures or with recommended corrective action, they may submit a written appeal to the Compliance Officer within fifteen (15) school days of receiving notification of the outcome of the investigation. If the Compliance Officer investigated the complaint, such appeal **will** be made to the Superintendent.

The individual receiving the appeal **will** 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.

The person handling the appeal **will** prepare a written response to the appeal within

{ } five (5) school days.

{ } ten (10) school days.

{ } twenty (20) school days.

{ } _____ school days.

Copies of the response **will** be provided to the complainant, the respondent and the investigator who conducted the initial investigation.

**GRIEVANCE PROCEDURES FOR COMPLAINTS OF
TITLE IX SEX-BASED DISCRIMINATION AND HARASSMENT
{ } AND OTHER FORMS OF DISCRIMINATION AND HARASSMENT**

[NOTE: SELECT THE FOLLOWING TWO OPTIONS IF THE DISTRICT MAINTAINS SEPARATE PROCESSES TO ADDRESS:

- 1. GRIEVANCE PROCEDURES FOR TITLE IX COMPLAINTS***
- 2. COMPLAINTS ADDRESSING OTHER TYPES OF DISCRIMINATION OR HARASSMENT.]***

{ } The Title IX sex-based discrimination and harassment grievance procedures prescribed in this attachment apply only when a complaint includes allegations of sex-based discrimination or harassment, including retaliation, subject to Title IX regulations. (34 CFR 106.44, 106.45)

{ } All other reports or complaints of discrimination, harassment or retaliation will follow the Discrimination Complaint Procedures attached to Policy 103.

[NOTE: SELECT THE OPTION BELOW IF THE DISTRICT FOLLOWS THE SAME PROCESS FOR ALL REPORTS OF DISCRIMINATION/HARASSMENT AND TITLE IX SEX-BASED DISCRIMINATION AND HARASSMENT.]

{ } All reports or complaints of discrimination and harassment, including retaliation, whether the conduct falls under Title IX sex-based discrimination and harassment or not, will be handled in accordance with the Grievance Procedures prescribed in this attachment.

General Provisions

If the district has knowledge of conduct that reasonably may constitute Title IX sex-based discrimination or harassment

{ }, or other forms of discrimination or harassment,

in its education program or activity, it must respond promptly and effectively.

Persons of parental status have the right to act on behalf of the complainant, the respondent or other **student** at any time.

The district requires that the Title IX Coordinator, investigator and decision-maker be free from any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

As long as there is no conflict of interest or bias, the decision-maker may be the same person as the Title IX Coordinator or investigator during the grievance procedures; however, the facilitator for an informal resolution process must not be the same person designated as the investigator or decision-maker for the grievance procedures.

The district will treat all complainants and respondents equitably.

The district will assume that the respondent is not responsible for the alleged conduct until a determination is made at the conclusion of the informal resolution process or grievance procedures.

Definitions

Exculpatory evidence means evidence tending to exonerate the accused or helps to establish their innocence.

Inculpatory evidence means evidence tending to incriminate the accused or indicate their guilt.

Impermissible evidence means evidence, and questions seeking such evidence, that will not be accessed or considered, except by the district to determine whether one (1) of the exceptions listed below applies; will not be disclosed; and will not otherwise be used, regardless of relevance:

- 1. Evidence that is protected under a privilege as recognized by federal or state law or regulations, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.**
- 2. A party's or witness's records that are made or maintained by a physician, psychologist or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in the district's grievance procedures.**
- 3. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.**

Relevant means related to the allegations under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged conduct occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged conduct occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person the district identifies as having had their equal access to the district's education program or activity limited or denied by sex-based discrimination or harassment.

{ }, or other forms of discrimination or harassment.

These measures are provided to restore or preserve that person's access to the district's education program or activity after the district determines that sex-based discrimination or harassment

{ }, or other forms of discrimination or harassment,

occurred.

General Reporting

A report of Title IX sex-based discrimination or harassment

{ }, or other forms of discrimination or harassment,

may be made using the Discrimination/**Harassment**/Bullying/Hazing/Dating Violence/Retaliation Report Form or by making a general report **orally** or in writing to the building principal, or by using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's **oral** or written report. Upon receipt of a report, school staff **will** immediately notify the **Title IX Coordinator**.

A report may be made at any time, including during nonbusiness hours. **Oral** reports **will** be documented by the Title IX Coordinator or employee receiving the report using the Discrimination/**Harassment**/Bullying/Hazing/Dating Violence/Retaliation Report Form, and these procedures **will** be implemented appropriately.

A school employee who suspects or is notified that a student may have been subject to conduct that constitutes a violation of Board policy 103 will immediately report the incident to the Title IX Coordinator.

If the Title IX Coordinator is the subject of a complaint, reports should be made directly to the Superintendent or designee.

All reports and complaints received by the building principal **will** be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator **will** use the Discrimination/**Harassment**/Bullying/Hazing/Dating Violence/Retaliation Report Form to gather additional information from the reporter and/or other parties identified in the report.

The Title IX Coordinator **will** promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator **will** consider the complainant's wishes with respect to supportive measures **and reasonable safety concerns**.

The Title IX Coordinator **will** initially assess whether the reported conduct:

1. Meets the definition of Title IX sex-**based discrimination or** harassment.
{ }, or other forms of discrimination or harassment.
2. Involves other Board policies or the Code of Student Conduct.
3. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
4. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. (Pol. 103.1, 113, **113.1, 113.2, 113.3**)

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sex-**based discrimination or** harassment,

{ }, or other forms of discrimination or harassment,

but the matter merits review and possible action under the Code of Student Conduct and other Board policies or **complaint processes**, then the Title IX Coordinator **will** redirect the report to the appropriate administrator to address the allegations. (Pol. 103, 103.1, 113.1, **150**, 218, 247, 249, 252, 317, 317.1, **906**)

If the result of the initial assessment determines that the allegations may constitute Title IX **sex-based discrimination or** harassment,

{ }, or other forms of discrimination or harassment,

the Title IX Coordinator **will** promptly explain to the complainant the process for filing a complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a complaint.

The Title IX Coordinator **will** contact the parents/guardians and provide them with information regarding the report and **the grievance procedures for filing a complaint**.

If the complainant/**reporter**, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals, **including the**

Superintendent, and upon advice of legal counsel, **and upon the request of law enforcement or child welfare agency**, whether to withhold or delay notification of the report from the complainant's parents/guardians.

Filing a Complaint

Individuals specified below may request that the district investigate and make a determination about alleged conduct.

Sex-based discrimination, including sex-based harassment – The following individuals may request that the district investigate and make a determination about the alleged discrimination under Title IX:

- 1. A complainant, which means:**
 - a. A district student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or**
 - b. A person other than a district student or employee who is alleged to have been subjected to conduct that could constitute sex-based discrimination under Title IX at a time when that individual was participating or attempting to participate in a district education program or activity;**
- 2. A parent/guardian or other authorized legal representative with the legal right to act on behalf of the complainant; or**
- 3. The Title IX Coordinator, after conducting a fact-based assessment in accordance with law.**

Sex-Based Harassment - Individuals themselves who are alleged to have been subjected to the sex-based harassment, those who have a legal right to act on behalf of such individual, or the Title IX Coordinator may initiate the complaint.

Title IX Sex-Based Discrimination Other Than Sex-Based Harassment – In addition to the individuals listed above, the following individuals have a right to make a complaint:

- 1. Any district student or employee; or**
- 2. Any person other than a student or employee who was participating or attempting to participate in a district education program or activity at the time of the alleged sex discrimination.**

{ } Other Forms of Discrimination – A student who is alleged to have been subjected to conduct that could constitute discrimination or harassment, or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute

discrimination or harassment and who was participating or attempting to participate in a district education program or activity at the time of the alleged discrimination or harassment.

District Actions

The measures identified below may be enforced by the district at any time, as deemed necessary, including during the reporting, complaint or grievance procedures steps.

Supportive Measures –

The district must offer and coordinate supportive measures, as appropriate. Supportive measures offered by the district may not be imposed for punitive or disciplinary purposes.

For allegations of sex-based discrimination other than sex-based harassment or retaliation, the district's provision of supportive measures does not require the district, its employee or any other person authorized by the district to provide an aid, benefit or service to alter the alleged discriminatory conduct for the purposes of providing a supportive measure.

For example, if a female student alleges sex-based discrimination due to the fact that she did not get enrolled in a tech ed class, the district is not required to offer a supportive measure of allowing her into the class until a determination is made at the end of the grievance procedure. However, if a student were enrolled in the class and alleges sex-based harassment against the teacher, the district would likely have to offer supportive measures to alter the alleged harassment such as limiting contact with the teacher or switching the student's class during the course of the grievance procedures.

The district may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or informal resolution process. The complainant or respondent may seek an appeal of decisions regarding supportive measures from an appropriate and impartial employee other than the employee who made the initial decision. The employee considering the appeal must have authority to modify or reverse the decision regarding supportive measures, and determine whether the decision to provide, deny, modify or terminate the supportive measure is inconsistent with the definition of supportive measures.

The district will provide a party with the opportunity to seek modification or termination of supportive measures applicable to them if circumstances materially change.

When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator **will** notify the Director of Special Education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented.

Confidentiality –

Confidentiality regarding the supportive measures offered and the identity of the following individuals **will** be maintained, except as **necessary to provide the supportive measure or restore or preserve a party's access to a district education program or activity, or as** permitted by law or regulations: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.4, 216)

1. Individuals making a report or complaint.
2. Complainant(s).
3. Respondent(s).
4. Witnesses.

Reasonable Accommodations –

Throughout the **grievance** procedures, the district **will** make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 138, 251)

Emergency Removal –

If the district has determined, based on an individualized safety and risk analysis, that there is an **imminent and serious** threat to the **health** or safety of **a complainant or any students, employees or other persons** due to the allegations of Title IX **sex-based discrimination or** harassment, the respondent may be removed from the district's education program or activity or moved to an alternative setting, consistent with all rights under federal and state laws and regulations, and Board policy, including but not limited to the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. If the respondent is an identified student with a disability, or thought to be disabled, the Title IX Coordinator **will** contact the Director of Special Education to coordinate the required actions in accordance with Board policy.

When an emergency removal is warranted and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion will be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable. (Pol. 113.1, 113.2, 113.3, 233)

The respondent **will** be provided with notice and provided an opportunity for due process **to challenge the emergency removal immediately following the removal**, in accordance with law, regulations and Board policy. When expulsion is necessary because continuation of educational services is not feasible, the Board's written adjudication of expulsion **will** address the pending Title IX process and the impact of the outcome of the Title IX process on a student's

emergency removal status. (20 U.S.C. Sec. 1400 et seq.; 29 U.S.C. Sec. 794 ; 42 U.S.C. Sec. 12101 et seq.; 34 CFR 106.44 ; Pol. 103.1, 113.1, 233)

Administrative Leave -

When an employee, based on an individualized safety and risk analysis, poses an **imminent and serious** threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis. **The employee will be provided with notice and an opportunity to challenge the emergency removal immediately following the removal.**

An accused nonstudent district employee may be placed on administrative leave during the pendency of the grievance **procedures**, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract. (29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12101 et seq., 34 CFR 106.44, Pol. 317)

Required Reporting Under Other Policies -

In addition to implementing the Title IX **grievance** procedures, the Title IX Coordinator **will** ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations **and** Board policies, including but not limited to, incidents under the **school safety and security provisions of the PA School Code**, reports of educator misconduct, threats or reports of suspected child abuse. (Pol. 218, **218.3, 236.1**, 317.1, **805.1**, 806, 824)

Timeframes

Reasonably prompt timeframes **will** be established for the conclusion of the grievance **procedures**, including timeframes for the **evaluation, investigation, determination and** informal resolution process and timeframes for filing and resolving appeals.

The established timeframes may be adjusted to allow for a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action **will** be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party or a witness.
2. **Request from law enforcement or child welfare agency.**
3. Need for language assistance or accommodation of disabilities.

Dismissal of Complaints

Complaints may be dismissed, if at any time during the investigation or **determination**:

1. **The district is unable to identify the respondent after taking reasonable steps to do so.**
2. A complainant provides **voluntary** written notification of withdrawal of any **or all** allegations **in the complaint, the Title IX Coordinator declines to initiate a complaint, and the district determines that, without the complainant's withdrawn allegations, the alleged conduct that remains in the complaint, if any, would not constitute sex-based discrimination,**

 { }, or other forms of discrimination,

even if proven.
3. **After the district makes reasonable efforts to clarify the allegations with the complainant, the district determines that the alleged conduct, even if proven, would not constitute sex-based discrimination or harassment.**

 { }, or other forms of discrimination or harassment.
4. The respondent is **not participating in a district education program or activity or** employed by the district.

Upon dismissal, the district will promptly notify the complainant, in writing, of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the district will also promptly notify the respondent, in writing, of the dismissal and the basis for the dismissal, either following notification to the complainant or simultaneously.

Written notification **will** state whether the allegations will continue to be addressed pursuant to the Code of Student Conduct and other Board policies or **complaint processes**.

When a complaint is dismissed, the district will, at a minimum:

1. **Offer supportive measures to the complainant and respondent, as appropriate.**
2. **Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that the conduct does not continue or recur within the district's education program or activity.**

Appeals of Dismissal -

The district will notify the complainant and respondent, if the respondent has already been notified of the allegations, that the dismissal may be appealed on the following bases:

- 1. Procedural irregularity that would change the outcome of the matter.**
- 2. New evidence that would change the outcome and that was not reasonably available when the dismissal decision was made.**
- 3. The Title IX Coordinator, investigator or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.**

Written notice of a party's appeal must be submitted to the Title IX Coordinator within

{ } five (5) school days

{ } ten (10) school days

{ } _____ school days

after the date the determination is provided to the parties. Notice of appeal must include a brief statement describing the basis for the appeal.

If the dismissal is appealed, the district will:

- 1. Notify the parties of any appeal, including notice of the allegation, if notice was not previously provided to the respondent;**
- 2. Implement the appeal procedures equally for the parties;**
- 3. Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;**
- 4. Ensure that the decision-maker for the appeal has been appropriately trained;**
- 5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and**
- 6. Notify the parties of the appeal and the rationale for the result.**

The district will notify the parties of the rationale for the result of the appeal within

{ } five (5) school days.

{ } ten (10) school days.

{ } twenty (20) school days.

{ } _____ school days.

Consolidation of Complaints

The district may consolidate **complaints** against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of **sex-based discrimination or harassment**

{ }, or other forms of discrimination or harassment

arise out of the same facts or circumstances.

Complaint

The district is required to initiate the grievance **procedures in this document** when a complainant or the complainant's parent/guardian **or other authorized legal representative** files a **complaint based on Title IX sex-based discrimination or harassment.**

{ }, or other forms of discrimination or harassment.

The Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are not a sufficient response to alleged behavior, or when **the grievance procedures** are necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the **grievance procedures**. Only the Title IX Coordinator is authorized to initiate the **grievance procedures** despite a complainant's wishes, but the Title IX Coordinator may consult with the school solicitor and other district officials in making this decision. **The Title IX Coordinator's assessment of whether to initiate the grievance procedures despite the complainant's wishes must be fact-specific and address the considerations outlined in the Discrimination/Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form.**

The complainant or the Title IX Coordinator **will** use the designated section of the Discrimination/**Harassment**/Bullying/Hazing/Dating Violence/Retaliation Report Form to file or sign a complaint.

The Title IX Coordinator **will** assess whether the investigation should be conducted by the building principal, another district employee, the Title IX Coordinator or an attorney and **will** promptly assign the investigation to that individual.

The Title IX Coordinator, investigator, decision-maker, or any individual designated to facilitate the informal resolution process, each must have completed the required training for such roles as designated in Board policy and **must** not have a conflict of interest or bias for or against an individual complainant or respondent, or for or against complainants or respondents in general.

The respondent **will** be presumed not responsible for the alleged conduct until a determination regarding responsibility has been made at the conclusion of the grievance **procedures**.

Notice Requirements -

Upon receipt of a complaint, or when the Title IX Coordinator signs a complaint to initiate the grievance **procedures**, the Title IX Coordinator **will** provide written notice to all known parties, and the parents/guardians **or other authorized legal representatives** of known parties, where applicable, providing the following information:

1. Notice of the district's grievance **procedures** and any informal resolution process that may be available.
2. Notice of the allegations, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - a. The identity of the parties involved, if known.
 - b. The conduct allegedly constituting **sex-based discrimination or harassment**
{ }, or other forms of discrimination or harassment.
 - c. The date and location of the alleged incident(s), if known.
3. **A statement that retaliation is prohibited.**
4. **A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, upon request.**
5. A statement that a **determination** regarding responsibility **will** be made at the conclusion of the grievance **procedures** and, until that time, the respondent is presumed not responsible for the alleged conduct.
6. Notice that Board policy and the district's Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints.

The district will not discipline a party, witness or other individual participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on a determination of whether sex-based discrimination or harassment occurred.

7. Notice to all known parties of any additional allegations that the district decides to investigate during the course of the investigation.

Informal Resolution Process

[Note: The informal resolution process cannot be offered or used to facilitate a resolution for any complaint where the allegations state that an employee engaged in sex-based harassment of a student, or if the process would conflict with federal, state or local law.]

At any time after a complaint has been filed, but prior to reaching a determination of responsibility, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process, which does not involve a full investigation and adjudication of the complaint.

The district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of complaints. Similarly, a district may not require **or pressure** the parties to participate in an informal resolution process.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services or supportive measures.

The facilitator for the informal resolution process must not be the same person as the investigator or the decision-maker in the grievance procedures, must have received the required training in accordance with Board policy and must not have a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent.

When offering an informal resolution process, the Title IX Coordinator **will**:

1. Provide the parties a written notice disclosing the following:
 - a. The allegations.
 - b. The requirements of the informal resolution process, including that 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 **procedures**.
 - c. **That the parties' agreement to a resolution at the conclusion of the informal resolution process precludes the parties from initiating or resuming grievance procedures arising from the same allegations.**

- d. **The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties. Other terms of an informal resolution agreement may include restrictions on contact and restrictions on the respondent's participation in one or more of the district's programs or activities or attendance at specific events, including restrictions the district could have imposed as remedies or disciplinary sanctions had the district determined at the end of the grievance procedures the alleged conduct occurred.**
 - e. Any consequences resulting from participating in the informal resolution process, including the records **and information** that will be maintained **and whether and how such records and information** could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties **will** be informed of the rights being waived by agreeing to the informal resolution process, and **will** acknowledge such agreement in writing.
3. The informal resolution process **will** be conducted within
- { } five (5) school days
 - { } ten (10) school days
 - { } twenty (20) school days
 - { } _____ school days
- of the parties' signed agreement for the informal resolution process.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal resolution process **will** document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within

- { } ten (10) school days
- { } twenty (20) school days
- { } _____ school days

after the complaint is resolved in this manner, the Title IX Coordinator **will** contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator **will** document the informal resolution process, responses from all parties, and an explanation of why the district's response was not deliberately indifferent to the reported complaint of **sex-based discrimination or harassment**.

{ }, or other forms of discrimination or harassment.

***If the Informal Resolution Process results in the final resolution of the complaint, the following steps are not required.**

GRIEVANCE PROCEDURES

Investigation

The district must provide an adequate, reliable and impartial investigation of complaints.

The designated investigator, if other than the Title IX Coordinator, **will** work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation, **and to document the evidence throughout each stage of the investigation.**

When investigating a complaint, the investigator **will**:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a **determination**. During the process of gathering evidence, unless the district obtains the voluntary, written consent of the party, or the party's parent/guardian **or other authorized legal representative** when legally required, the district cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party. (Pol. 113.4, 207, 209, 216, Safe2Say Something Procedures)
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence **that is relevant and not otherwise impermissible**.
3. Objectively evaluate all evidence **gathered through the investigation**, including inculpatory and exculpatory evidence, **and determine what evidence is relevant and what evidence is impermissible regardless of relevance. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as sex-based discrimination or harassment**

{ }, or other discrimination or harassment

in school settings.

4. **Inform all parties, parents/guardians and witnesses of the requirements for confidentiality and prohibition against retaliation for anyone's participation in the investigation process, and that conduct believed to be retaliatory should be reported to the Title IX Coordinator.**
5. **Provide each party with an equal opportunity to access the evidence that is relevant to the allegations and not otherwise impermissible, in the following manner:**
 - a. **Provide each party with an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the district provides a description of the evidence, the district must further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;**
 - b. **The district must provide a reasonable opportunity to respond to the evidence or to the accurate description of the evidence; and**
 - c. **The district must take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint are authorized.**
6. **During the investigation the parties and witnesses will be questioned to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more of the allegations. Where the investigator has interviewed a party or witness and the investigator is also serving as the decision-maker, credibility evaluation is inherent in the process of conducting the interview. In situations where credibility determinations are required from a decision-maker who did not interview a party or witness, the Title IX Coordinator will facilitate an opportunity for the decision-maker to conduct an interview as part of the decision-maker's process of engaging with the evidence resulting from the investigation. In considering evidence, the decision-maker will ensure credibility determinations are not based on an individual's status as a complainant, respondent or witness.**

If at any point the investigation expands to include additional allegations that were not included in the initial notice **of allegations**, the investigator **will** alert the Title IX Coordinator. The Title IX Coordinator **will** provide written notice of the new allegations to the known parties.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator **will** promptly notify the Title IX Coordinator, who **will** promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Board policy. (Pol. 218, 317.1, **805.1**, 806)

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

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX **sex-based discrimination or harassment**

{ }, or other discrimination or harassment,

may be identified as part of the same incident or set of circumstances. The fact that there may be Title IX **sex-based discrimination or harassment**

{ }, or other discrimination or harassment,

involved does not preclude the district from addressing other identified violations of the Code of Student Conduct or Board policy. If such other conduct is being investigated and addressed together **as part of the grievance procedures**, disciplinary action normally should not be imposed until the completion of the **grievance procedures**. A decision whether and when to take such action should be made in consultation with the school solicitor.

The investigation stage **will** be concluded within

{ } twenty (20) school days.

{ } thirty (30) school days.

{ } _____ school days.

Determination and District Action

The district will designate a decision-maker, who may be the same person as the Title IX Coordinator or investigator. The decision-maker must be free from any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and must have received training in accordance with Board policy.

Following the investigation and evaluation of all relevant and not otherwise impermissible evidence, the decision-maker must issue a **determination** for the **alleged** conduct. To reach this determination, the decision-maker **will** apply the preponderance of the evidence standard, meaning that the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not. **This standard requires the decision-maker to evaluate relevant and**

not otherwise impermissible evidence for its persuasiveness; if the decision-maker is not persuaded under the preponderance of the evidence standard that the alleged conduct occurred, whatever the quantity of the evidence is, the decision-maker must not determine that the alleged conduct occurred.

The district will provide written notification to the parties of the determination as to whether the alleged conduct occurred, including the rationale for the determination and the procedures and permissible bases for the appeal, if applicable.

If there is a determination that the alleged conduct occurred, as appropriate, the Title IX Coordinator is required to:

1. Coordinate the provision and implementation of remedies to a complainant and other persons the district identifies as having had equal access to the district's education program or activity limited or denied by such conduct.
2. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any disciplinary sanctions, in accordance with applicable law, regulations and Board policy. (Pol. 113.1, 216, 324)
3. Take other appropriate prompt and effective steps to ensure that the conduct does not continue or recur within the district's education program or activity.

Appeal Process

The district must offer both parties the right to appeal a determination of responsibility or any allegation in the complaint. **The appeal may be based on the following:**

1. Procedural irregularity that **would change** the outcome of the matter.
2. New evidence that **is not otherwise impermissible that would change** the outcome **and that** was not reasonably available **when the decision** was made.
3. The Title IX Coordinator, investigator or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that **would change the outcome**.

Written notice of a party's appeal **must** be submitted to the Title IX Coordinator within

{ } five (5) school days

{ } ten (10) school days

{ } _____ school days

after the date **the determination is provided to the parties**. Notice of appeal **must** include a brief statement describing the basis for the appeal.

If the determination is appealed, the district will:

- 1. Notify the parties of any appeal;**
- 2. Implement the appeal procedures equally for the parties;**
- 3. Ensure that the decision-maker for the appeal did not take part in the investigation of the allegations of the complaint;**
- 4. Ensure that the decision-maker for the appeal has been appropriately trained; and**
- 5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome.**

The decision-maker for the appeal will review the investigation and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The district will notify the parties of the rationale for the result of the appeal within

{ } five (5) school days.

{ } ten (10) school days.

{ } twenty (20) school days.

{ } _____ school days.

Disciplinary Action

Following the issuance of the determination and any applicable appeal, any disciplinary action specified in the determination or appeal decision must be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements and state and federal laws and regulations, including specific requirements and provisions for students with disabilities. (Pol. 113.1, 113.2, 218, 233, 317, 317.1)

The district will not discipline a party, witness or other individual participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on a determination of whether sex-based discrimination or harassment occurred.

Recordkeeping

The district **must** maintain the following records for a minimum of seven (7) years after conclusion of procedures and implementation of disciplinary sanctions and/or remedies, or in the case of a complainant or respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation:

1. **Each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex-based discrimination or harassment,**

 { }, **or other forms of discrimination or harassment,**

 including required notifications.
2. **Each investigation**, including any **determination** and disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity.
3. Any appeal and the result.
4. Any informal resolution and the result.
5. All materials used to **provide the required training.**
6. Records of any district actions, including any supportive measures, taken in response to a report or complaint. In each instance, the district **will** document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity. If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.



Book	Policy Manual
Section	100 Programs
Title	Nondiscrimination - Qualified Students With Disabilities
Code	103.1
Status	Active
Adopted	September 16, 2013
Last Revised	October 16, 2017

Authority

The Board declares it to be the policy of this district to ensure that all district programs and practices are free from discrimination against all qualified students with disabilities. The Board recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)

The district shall provide to each qualified student with a disability enrolled in the district, without cost to the student or parent/guardian, a free and appropriate public education (FAPE). This includes provision of education and related aids, services, or accommodations which are needed to afford each qualified student with a disability equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities without discrimination, to the same extent as each student without a disability, consistent with federal and state laws and regulations.

The Board encourages students and parents/guardians who believe they have been subjected to discrimination or harassment to promptly report such incidents to designated employees.

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

The district shall not intimidate, threaten, coerce, discriminate or retaliate against any individual for the purpose of interfering with any right or privilege secured by this policy.

Definitions

Qualified student with a disability - a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the district's educational programs, nonacademic services or extracurricular activities.[\[11\]](#)[\[12\]](#)

Section 504 Team - a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors, psychologists, school nurses, outside care providers and the student's parents/guardians.[\[3\]](#)[\[8\]](#)

Section 504 Service Agreement (Service Agreement) - an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school's educational programs, nonacademic services, and extracurricular activities.[\[13\]](#)

Disability harassment - intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school's educational programs, nonacademic services, or extracurricular activities.[10]

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable law and regulations, the Board designates the Superintendent as the district's Section 504 Coordinator.[14]

In addition, each school within the district shall have a Section 504 building administrator.

The district shall publish and disseminate this policy and complaint procedure on or before the first day of each school year by posting it on the district's website, if available, and in the student handbook. The district shall notify parents/guardians of students residing in the district of the district's responsibilities under applicable law and regulations, and that the district does not discriminate against qualified individuals with disabilities.[15][16]

Guidelines

Identification and Evaluation

The district shall conduct an annual child find campaign to locate and identify every district student with a disability thought to be eligible for Section 504 services and protections. The district may combine this search with the district's IDEA child find efforts, in order to not duplicate efforts.[16][17]

If a parent/guardian or the district has reason to believe that a student should be identified as a qualified student with a disability, should no longer be identified as a qualified student with a disability, or requires a change in or modification of the student's current Service Agreement, the parent/guardian or the district shall provide the other party with written notice.[18][19][20]

The district shall establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need related services because of a disability.[20]

The district shall specifically identify the procedures and types of tests used to evaluate a student, and provide the parent/guardian the opportunity to give or withhold consent to the proposed evaluation(s) in writing.[20]

The district shall establish procedures for evaluation and placement that assure tests and other evaluation materials:

1. Have been validated and are administered by trained personnel.
2. Are tailored to assess educational need and are not based solely on IQ scores.
3. Reflect aptitude or achievement or anything else the tests purport to measure and do not reflect the student's impaired sensory, manual or speaking skills (except where those skills are what is being measured).

Service Agreement

If a student is determined to be a qualified student with a disability, the district shall develop a written Service Agreement for the delivery of all appropriate aids, services, or accommodations necessary to provide the student with FAPE.[13]

The district shall not implement a Service Agreement until the written agreement is executed by a representative of the district and a parent/guardian.[13]

The district shall not modify or terminate a student's current Service Agreement without the parent's/guardian's written consent.[18]

Educational Programs/Nonacademic Services/Extracurricular Activities

The district shall educate a qualified student with a disability with students who are not disabled to the maximum extent appropriate to the needs of the student with a disability. A qualified student with a disability shall be removed from the regular educational environment only when the district determines that educating the student in the regular educational environment with the use of related aids, services, or accommodations cannot be achieved satisfactorily. Placement in a setting other than the regular educational environment shall take into account the proximity of the alternative setting to the student's home.[21][22]

The district shall not discriminate against any qualified student with a disability in its provision of nonacademic services and extracurricular activities, including but not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, and referrals to agencies which provide assistance to individuals with disabilities.[\[21\]\[22\]\[23\]\[24\]\[25\]\[26\]\[27\]](#)

Parental Involvement

Parents/Guardians have the right to inspect and review all relevant school records of the student, meet with the appropriate school officials to discuss any and all issues relevant to the evaluation and accommodations of their child, and give or withhold their written consent to the evaluation and/or the provision of services.[\[13\]\[19\]\[20\]\[28\]](#)

Confidentiality of Student Records

All personally identifiable information regarding a qualified student with a disability shall be treated as confidential and disclosed only as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, state regulations, and Board policy.[\[29\]\[30\]](#)

Discipline

When necessary, the district shall discipline qualified students with disabilities in accordance with state and federal laws and regulations and Board policies.[\[31\]\[32\]](#)

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.[\[33\]\[34\]\[35\]](#)

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a qualified student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies. The Superintendent or designee shall respond in a manner that is consistent with the student's Service Agreement and Behavior Support Plan, if applicable.[\[11\]\[13\]\[21\]\[29\]\[31\]\[33\]\[36\]\[37\]\[38\]\[39\]\[40\]\[41\]\[42\]\[43\]\[44\]\[45\]\[46\]](#)

In making a determination of whether to notify the local police department of a discretionary incident committed by a qualified student with a disability, including a student for whom an evaluation is pending, the Superintendent or designee shall use the same criteria used for students who do not have a disability.[\[10\]\[37\]\[46\]\[47\]](#)

For a qualified student with a disability who does not have a Behavior Support Plan as part of the student's Service Agreement, subsequent to notification to law enforcement, the district, in consultation with the student's parent/guardian, shall consider whether a Behavior Support Plan should be developed as part of the Service Agreement to address the student's behavior.[\[13\]\[38\]](#)

In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by qualified students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.[\[34\]\[46\]](#)

PROCEDURAL SAFEGUARDS

The district shall establish and implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student's parent/guardian, and a review procedure.[\[28\]\[48\]](#)

A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.[\[19\]](#)

Parental Request for Assistance

Parents/Guardians may file a written request for assistance with the Pennsylvania Department of Education (PDE) if one (1) or both of the following apply:[28]

1. The district is not providing the related aids, services and accommodations specified in the student's Service Agreement.

2. The district has failed to comply with the procedures and state regulations.

PDE shall investigate and respond to requests for assistance and, unless exceptional circumstances exist, shall, within sixty (60) calendar days of receipt of the request, send to the parents/guardians and district a written response to the request. The response to the parents'/guardians' request shall be in the parents'/guardians' native language or mode of communication.[28]

Informal Conference

At any time, parents/guardians may file a written request with the district for an informal conference with respect to the identification or evaluation of a student, or the student's need for related aids, services or accommodations. Within ten (10) school days of receipt of the request, the district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.[28]

Formal Due Process Hearing

If the matters raised by the district or parents/guardians are not resolved at the informal conference, the district or parents/guardians may submit a written request for an impartial due process hearing. The hearing shall be held before an impartial hearing officer and shall be conducted in accordance with state regulations.[28][49]

Judicial Appeals

The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction.[28]

COMPLAINT PROCEDURE

This complaint procedure is in addition to and does not prevent parents/guardians from using any option in the procedural safeguards system.[10]

Step 1 – Reporting

A student or parent/guardian 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 to the Section 504 building administrator. Any person with knowledge of conduct that may violate this policy, is encouraged to immediately report the matter to the Section 504 building administrator.

A school employee 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 Section 504 building administrator, as well as properly making any mandatory police or child protective services reports required by law.[50]

If the Section 504 building administrator is the subject of a complaint, the student, parent/guardian or employee shall report the incident directly to the district's Section 504 Coordinator.

The complainant or reporting employee may be encouraged to use the district's report form, available from the Section 504 building administrator or Section 504 Coordinator, or to put the complaint in writing; however, oral complaints shall be accepted, documented and the procedures of this policy implemented. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

Step 2 – Investigation

Where an attorney is not used to conduct an investigation into a discrimination complaint, only individuals who have received basic training on the applicable law, this policy and how to conduct a proper investigation shall be authorized to conduct an investigation of a complaint made pursuant to this policy.

The investigator shall work with the Section 504 Coordinator to assess the anticipated scope of the investigation, who needs to be interviewed and what records may be relevant to the investigation.

The investigator shall conduct 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. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians 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 investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Section 504 Coordinator, who shall promptly inform law enforcement authorities about the allegations.[10][50][51][52]

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services 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 or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

Step 3 – Investigative Report

The investigator shall prepare and submit a written report to the Section 504 Coordinator 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 investigator and the Section 504 Coordinator 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 of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into disability harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition, within a reasonable time of the submission of the written report. The accused shall not be notified of the individual remedies offered or provided to the complainant.

Step 4 – District Action

If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of this policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Section 504 Coordinator shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If the investigation results in a finding that a different policy was violated separately from or in addition to violations of this policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and 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 made pursuant to the policy or with recommended corrective action, s/he may submit a written appeal to the district's Section 504 Coordinator within fifteen (15) days.
2. The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.
3. The Section 504 Coordinator shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

Legal

- [1. 22 PA Code 12.1](#)
- [2. 22 PA Code 12.4](#)
- [3. 22 PA Code 15.1 et seq](#)
- [4. 22 PA Code 4.4](#)
- [5. 28 CFR Part 35](#)
- [6. 28 CFR Part 36](#)
- [7. 29 U.S.C. 794](#)
- [8. 34 CFR Part 104](#)
- [9. 42 U.S.C. 12101 et seq](#)
10. Pol. 103
- [11. 22 PA Code 15.2](#)
- [12. 42 U.S.C. 12102](#)
- [13. 22 PA Code 15.7](#)
- [14. 34 CFR 104.7](#)
- [15. 22 PA Code 15.4](#)
- [16. 34 CFR 104.32](#)
17. Pol. 113
- [18. 22 PA Code 15.5](#)
- [19. 22 PA Code 15.6](#)
- [20. 34 CFR 104.35](#)
- [21. 22 PA Code 15.3](#)
- [22. 34 CFR 104.34](#)
- [23. 34 CFR 104.37](#)
24. Pol. 112
25. Pol. 122
26. Pol. 123
27. Pol. 810
- [28. 22 PA Code 15.8](#)
- [29. 22 PA Code 15.9](#)
30. Pol. 216
31. Pol. 218
32. Pol. 233
- [33. 22 PA Code 10.2](#)
- [34. 24 P.S. 1303-A](#)
- [35. 35 P.S. 780-102](#)
- [36. 22 PA Code 10.21](#)
- [37. 22 PA Code 10.22](#)

[38. 22 PA Code 10.23](#)

[39. 22 PA Code 10.25](#)

[40. 24 P.S. 1302.1-A](#)

41. Pol. 113.2

42. Pol. 218.1

43. Pol. 218.2

44. Pol. 222

45. Pol. 227

46. Pol. 805.1

[47. 22 PA Code 15.1](#)

[48. 34 CFR 104.36](#)

[49. 22 PA Code 14.162](#)

50. Pol. 806

[51. 18 Pa. C.S.A. 2709](#)

52. Pol. 815

[20 U.S.C. 1232g](#)

[34 CFR Part 99](#)



103_1-Attach 1.doc (28 KB)



103_1-Attach 2.doc (34 KB)



103_1-Attach 3.doc (28 KB)



103_1-Attach 4.doc (55 KB)

**REPORT FORM FOR COMPLAINTS OF DISCRIMINATION/DISABILITY
HARASSMENT**

Complainant: _____
Home Address: _____
Home Phone: _____
School Building: _____
Date of Alleged Incident(s): _____

Alleged discrimination was based on: _____

Name of person you believe violated the district's nondiscrimination policy:

If the alleged discrimination was directed against another person, identify the other person:

Describe the incident(s) as clearly as possible, including any **graphic, written, electronic, verbal or nonverbal acts (i.e., offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct.** Attach additional pages if necessary: _____

When and where incident(s) occurred: _____

List any witnesses who were present: _____

This complaint is based on my honest belief that _____ has discriminated against me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date

PROCEDURAL SAFEGUARDS NOTIFICATION

Dear Parent/Guardian:

As part of the protections available to you if we cannot agree as to what related aids, services, or accommodations should or should no longer be provided to your child, one or more options available through the procedural safeguard system may be used to resolve the dispute.

Parental Request For Assistance –

Parents/Guardians may file a written request for assistance with the Department of Education if you believe the school district is not providing the related aids, services, and accommodations specified in the Service Agreement and/or the school district has failed to comply with Chapter 15 of the State Board of Education Regulations.

The Department of Education will investigate and respond to requests for assistance and, unless exceptional circumstances exist, will, within sixty (60) calendar days of receipt of the request, send to the parents/guardians and school district a written response to the request.

Written requests should be addressed to:

Pennsylvania Department of Education
Bureau of Special Education
333 Market Street
Harrisburg, PA 17126
717-783-6913

Informal Conference –

Parents/Guardians may file a written request with the school district for an informal conference with respect to the identification or evaluation of a student, or the student's need for related aids, services, or accommodations. Within ten (10) school days of receipt of the request, the school district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.

Formal Due Process Hearing –

Parents/Guardians may file a written request with the school district for an impartial due process hearing.

1. The hearing shall be held before an impartial hearing officer.
2. The hearing shall be held in the local school district at a place reasonably convenient to the parents/guardians. At the request of the parents/guardians, the hearing may be held in the evening.
3. The hearing shall be an oral, personal hearing and shall be open to the public unless the parents/guardians request a closed hearing.

4. If the hearing is open, the decision issued in the case, and only the decision, shall be available to the public.
5. If the hearing is closed, the decision shall be treated as an educational record of the student and may not be available to the public.
6. The decision of the hearing officer shall include findings of fact, discussion and conclusions of law. The decision shall be based solely upon the substantial evidence presented at the hearing. The hearing officer shall have the authority to order that additional evidence be presented.
7. A written transcript of the hearing shall, upon request, be made and provided to parents/guardians at no cost.
8. Parents/Guardians may be represented by legal counsel.
9. A parent/guardian or a parent's/guardian's representative shall be given reasonable access to all educational records, including any tests or reports upon which the proposed action is based.
10. Any party may prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) days before the hearing.
11. A parent/guardian or a parent's/guardian's representative has the right to compel the attendance of and question witnesses of the school entity or agency who may have evidence upon which the proposed action might be based.
12. Any party has the right to present evidence and testimony, including expert medical, psychological or educational testimony.

The following timeline applies to due process hearings:

1. A hearing shall be held within thirty (30) calendar days after a parent's/guardian's initial request for a hearing.
2. The hearing officer's decision shall be issued within forty-five (45) calendar days after the parent's/guardian's request for a hearing.

Judicial Appeals –

The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction. Under some circumstances, you may raise these claims directly under Section 504 without going through the due process hearing.

If, within sixty (60) calendar days of the completion of the administrative due process proceedings under this chapter, an appeal or original jurisdiction action is filed in state or federal court, the administrative order shall be stayed pending the completion of the judicial proceedings, unless the parents/guardians and school district agree otherwise.

Please indicate the type of procedural safeguard you are requesting:

☐ Informal Conference

☐ Formal Due Process Hearing

Parent(s)/Guardian(s) Signature

Date

Section 504 Building Administrator Signature

Date

**NOTICE OF DISTRICT-INITIATED EVALUATION AND PROVISION OF SERVICES
FOR QUALIFIED STUDENTS WITH DISABILITIES**

Dear _____:
(Parent/Guardian)

The school district believes that _____:

1. _____ should be identified as a qualified student with a disability.
2. _____ should no longer be identified as a qualified student with a disability.
3. _____ requires a change or modification of his/her Service Agreement.

The basis for the belief that the student is or is no longer a qualified student with a disability is:

The procedures and types of tests that will be used in the evaluation are:

The proposed change or modification in the Service Agreement is:

If you have any additional information or medical records which will assist in this evaluation, please forward them to me or call me at _____ to discuss this information.

Parents/Guardians have the right to inspect and review all relevant school records of the student, meet with appropriate school officials to discuss any and all issues relevant to the evaluation and accommodations of their child, and give or withhold their written consent to the evaluation and/or the provision of services.

Directions: Please check the applicable option and sign the form.

Evaluation – complete this section if the district checked item 1 above.

_____ I give my permission to proceed with the evaluation.

_____ I do not give my permission to proceed with the evaluation.

_____ My reason for disapproval is: _____

_____ I request an informal conference to discuss the evaluation.

Termination – complete this section if the district checked item 2 above.

_____ I give my permission to proceed with the termination of services.

_____ I do not give my permission to proceed with the termination of services.

_____ My reason for disapproval is: _____

_____ I request an informal conference to discuss the termination of services.

Modification – complete this section if the district checked item 3 above.

_____ I give my permission to proceed with the modification of the Service Agreement.

_____ I do not give my permission to proceed with the modification of the Service Agreement.

_____ My reason for disapproval is: _____

_____ I request an informal conference to discuss the modification of the Service Agreement.

Parent(s)/Guardian(s) Signature

Date

Section 504 Building Administrator Signature

Date

PARENT/GUARDIAN REQUEST FOR EVALUATION, TERMINATION, OR MODIFICATION UNDER SECTION 504

Student Information

Last Name: _____ First Name: _____ Middle Initial: _____
 Male: _____ Female: _____ Birth Date: _____
 School: _____ Grade: _____ Class: _____

Parent/Guardian Information

Last Name: _____ First Name: _____ Middle Initial: _____
 Home Address: _____
 Home Phone: _____ Work Phone: _____

Referral Information

The parent/guardian believes that the above named student:

1. _____ should be identified as a qualified student with a disability.

The basis for the belief that the student is a qualified student with a disability is:

Describe how the disability affects the student's access to or benefit from the school's educational programs, nonacademic services, or extracurricular activities:

Describe the requested aids, services, or accommodations:

2. _____ should no longer be identified as a qualified student with a disability.

The basis for the belief that the student is no longer a qualified student with a disability is:

3. _____ requires a change or modification of his/her Service Agreement.

The proposed change or modification of the Service Agreement is:

If you have any additional information or medical records which will assist in this process, please forward them to the Section 504 Building Administrator.

Notice Of Rights

Parents/Guardians have the right to inspect and review all relevant school records of the student, meet with appropriate school officials to discuss any and all issues relevant to the evaluation and accommodations of their child, and give or withhold their written consent to the evaluation and/or the provision of services.

Verification

By submitting this request, I am requesting that the district review the referral information above, and any additional information I attached. I understand that the district, its agents, and its employees are relying on the accuracy of the information that I have provided in this form, and any information attached thereto, to determine whether and to what extent my child will be provided with accommodations under Section 504.

 Parent(s)/Guardian(s) Signature

 Date Submitted

**DO NOT WRITE BELOW
(FOR DISTRICT USE ONLY)**

Reviewed by: _____
Name (Please Print) Title

Student's Last Name: _____ First Name: _____ Middle Initial: _____
School: _____ Grade: _____ Class: _____

The Parent/Guardian Request for Evaluation, Termination, or Modification is:

Approved _____ Denied _____ Referred for Further Review _____

Reason Request Approved or Denied:

Signature - Reviewer

Date

Signature - Section 504 Building Administrator

Date

Notice Of Rights

Parents/Guardians have the right to inspect and review all relevant school records of the student, meet with appropriate school officials to discuss any and all issues relevant to the evaluation and accommodations of their child, and give or withhold consent to the evaluation and/or provision of services.

Procedural Safeguards

Parents/Guardians may also use one or more of the procedural safeguard options, listed in Board policy, to resolve a dispute related to the identification or evaluation of a student as a qualified student with a disability, or the student's need for related aids, services, or accommodations.

PERMISSION TO EVALUATE – CONSENT FORM

Student's Name: _____

Name and Address of Parent/Guardian:

Dear _____:

The district received a Section 504 referral, and we would like to conduct an initial evaluation to determine if your child is a qualified student with a disability.

The first step in the process is to conduct an individual evaluation of your child, which will consist of a variety of tests and assessments. We must have your consent before we can begin.

The procedures and types of tests that will be used in the evaluation are:

A Section 504 Team will conduct the proposed evaluation. Any information you can provide is important to us. Please send your ideas and concerns to us in writing or contact the person listed below if you prefer to discuss your concerns in person. If a team meeting is held, you will be notified. Information from all team members will be considered during the evaluation process.

If your child *is* determined to be a qualified student with a disability, you will be invited to participate in developing a Section 504 Service Agreement (Service Agreement) that will set forth the specific related aids, services, or accommodations needed by the individual student.

Giving your consent for evaluation does not mean you give consent to placement or services. If your child is eligible for a Section 504 Service Agreement, you will be asked to give written consent for services to begin.

Please read the enclosed *Procedural Safeguards Notice* that explains your rights, and **keep a copy of both forms for your records.**

If you have any questions, please contact the Section 504 Building Administrator.

Name: _____ Phone: _____

DIRECTIONS: Please check one (1) of the options and sign the form.

1. ☐ I give consent to start an initial evaluation as you propose.
2. ☐ I do not give consent to the proposed initial evaluation.
3. ☐ I would like to schedule an informal meeting with school personnel to discuss this request.

Parent/Guardian Signature Date Daytime Phone

PLEASE RETURN THIS ENTIRE FORM TO:

Name: _____

Address: _____



Book	Policy Manual
Section	100 Programs
Title	Discrimination/Title IX Sexual Harassment Affecting Staff
Code	104
Status	Active
Adopted	May 15, 2006
Last Revised	October 19, 2020

Authority

The Board declares it to be the policy of this district to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy or handicap/disability. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)

The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The Board directs that the foregoing statement of Board policy be included in each student and staff handbook, and that this policy and related attachments be posted to the district's website.

The Board requires a notice stating that the district does not discriminate in any manner, including Title IX sexual harassment, in any district education program or activity, to be issued to all students, parents/guardians, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator.

Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation

The Board encourages employees and third parties who believe they or others have been subject to Title IX sexual harassment, other discrimination or retaliation to promptly report such incidents to the building principal or building administrator. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.

If the building principal or building administrator is the subject of a complaint, the complainant or the individual making the report shall direct the report of the incident to the Title IX Coordinator.

The complainant or the individual making the report may use the Discrimination/Sexual Harassment/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, verbal reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

The building principal or building administrator shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of

supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in Attachment 2 to this policy, or if the reported circumstances meet the definition of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other Board policies.

Disciplinary Procedures when Reports Allege Title IX Sexual Harassment

When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in Attachment 3. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.

Administrative Leave –

When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis.

An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report, and the investigation related to any form of discrimination or retaliation, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, this policy, the attachments and the district's legal and investigative obligations. [\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)

Retaliation

The Board prohibits retaliation by the district or any other person against any person for: [\[16\]](#)

1. Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment.
2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.
3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if they believe retaliation has occurred.

Definitions

Complainant shall mean an individual who is alleged to be the victim.

Respondent shall mean an individual alleged to be the perpetrator of the discriminatory conduct.

Discrimination

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, genetic information, ancestry, national origin, marital status, pregnancy, or handicap/disability.

Harassment is a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related work performance, including when: [\[9\]](#)

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or

2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or
3. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions.

Definitions Related to Title IX Sexual Harassment

Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. [\[15\]](#)
[\[18\]](#)

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. [\[18\]](#)

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to: [\[18\]](#)

1. Counseling or Employee Assistance Program.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work locations.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. Assistance from domestic violence or rape crisis programs.
11. Assistance from community health resources including counseling resources.

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following: [\[18\]](#)

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.
 - a. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors: [\[19\]](#)
 - i. Length of relationship.
 - ii. Type of relationship.
 - iii. Frequency of interaction between the persons involved in the relationship.

- b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[\[19\]](#)
- c. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[\[20\]](#)
- d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:[\[19\]](#)
 - i. Fear for their safety or the safety of others.
 - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.[\[14\]](#)[\[15\]](#)[\[18\]](#)

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 Assistant to the Superintendent, Dr. Jason Lohr, as the district's Compliance Officer and Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at: [\[21\]](#)

Address: 200 Poplar Street, Vandergrift, PA 15690

Email: jason.lohr@kiskiarea.com

Phone Number: 724-842-0453

The Compliance Officer and Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of the district's nondiscrimination procedures in the following areas, as appropriate:

1. Review - Review of personnel practices and actions for discriminatory bias and compliance with laws against discrimination to include monitoring and recommending corrective measures when appropriate to written position qualifications, job descriptions and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; district designed performance evaluations; review of planned employee demotions, non-renewal of contracts, and proposed employee disciplinary actions up to and including termination.
2. Training - Provide training for supervisors and staff to prevent, identify and alleviate problems of employment discrimination.
3. Resources - Maintain and provide information to staff on resources available to alleged victims in addition to the school complaint procedure or Title IX procedures, such as making reports to the police, and available supportive measures such as assistance from domestic violence or rape crisis programs, and community health resources including counseling resources.
4. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing informal reports and formal complaints.

Guidelines

Title IX Sexual Harassment Training Requirements

The Compliance Officer and Title IX Coordinator, investigator(s), decision-maker(s), or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment shall receive the following training, as required or appropriate to their specific role:

1. Definition of sexual harassment.
 2. Scope of the district's education program or activity, as it pertains to what is subject to Title IX regulations.
 3. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals and informal resolution processes, as applicable.
 4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.
 5. Use of relevant technology.
 6. Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
 7. Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.
 8. How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or Board policy.
- All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.

All training materials shall be posted on the district's website.

Disciplinary Consequences

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[22][23][24][25]

Reports of Discrimination

Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed, religion, sex, sexual orientation, ancestry, genetic information, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in Attachment 2 to this policy.

Reports of Title IX Sexual Harassment

Any reports deemed by the Title IX Coordinator to meet the definition of sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3 to this policy.

Legal

- [1. 43 P.S. 336.3](#)
- [2. 43 P.S. 951 et seq](#)
- [3. 34 CFR Part 106](#)
- [4. 20 U.S.C. 1681 et seq](#)
- [5. 29 U.S.C. 206](#)
- [6. 29 U.S.C. 621 et seq](#)
- [7. 29 U.S.C. 794](#)
- [8. 42 U.S.C. 1981 et seq](#)
- [9. 42 U.S.C. 2000e et seq](#)
- [10. 42 U.S.C. 2000ff et seq](#)
- [11. 42 U.S.C. 12101 et seq](#)
- [12. U.S. Const. Amend. XIV, Equal Protection Clause](#)
- [13. 20 U.S.C. 1232g](#)
- [14. 34 CFR 106.44](#)

[15. 34 CFR 106.45](#)

[16. 34 CFR 106.71](#)

[17. 34 CFR Part 99](#)

[18. 34 CFR 106.30](#)

[19. 34 U.S.C. 12291](#)

[20. 20 U.S.C. 1092](#)

[21. 34 CFR 106.8](#)

22. Pol. 317

23. Pol. 317.1

24. Pol. 806

25. Pol. 824

[16 PA Code 44.1 et seq](#)

[18 Pa. C.S.A. 2709](#)

[28 CFR 35.140](#)

[28 CFR Part 41](#)

[29 CFR Parts 1600-1691](#)

[EEOC Enforcement Guidance on Harris v. Forklift Sys., Inc., November 9, 1993](#)

[EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 18, 1999](#)

[EEOC Policy Guidance on Current Issues of Sexual Harassment, March 19, 1990](#)

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998)

Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Pol. 320

Pol. 815



104-Attach 1 Report Form.pdf (170 KB)



104-Attach 2 Discrimination.docx (39 KB)



104-Attach 3 Title IX.docx (71 KB)

DISCRIMINATION/HARASSMENT/RETALIATION REPORT FORM

Note: For purposes of Title IX sex-based discrimination or harassment, this Report Form serves initially as an informal report, not a complaint of Sex-Based Discrimination or Harassment under Title IX.

The Board declares it to be the policy of this district to provide a safe, positive learning and working environment that is free from discrimination, harassment, including sex-based harassment, and retaliation. If you have experienced, or if you have knowledge of any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator's contact information is:

Position:

Address:

Email:

Phone Number:

Retaliation Prohibited

The district, its employees and others are prohibited from intimidating, threatening, coercing or discriminating against you for making this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

Confidentiality

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with Board policy, procedures and the district's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality, as long as doing so does not preclude the school from responding effectively to the report. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the district has an obligation to investigate the information provided.

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

Assigned School Building(s):

I am a(n):

☐ Employee ☐ Volunteer ☐ Visitor

☐ Other _____ (please explain relationship to the district education program or activity)

If you are not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is:

☐ Another Employee ☐ Student

☐ Other: _____ (please explain relationship to the alleged victim)

II. Information About the Person(s) You Believe is/are Responsible for the Conduct You are Reporting

What is/are the name(s) of the individual(s) you believe is/are responsible for the conduct you are reporting?

Name(s):

The reported individual(s) is/are:

☐ Student(s) ☐ Employee(s)

☐ Other _____ (please explain relationship to the district)

III. Description of the Conduct You are Reporting

In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:

When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report?

☐ Yes ☐ No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?

Is there anything else you wish the Title IX Coordinator to know at this time?

I affirm that the information reported above is true to the best of my knowledge, information and belief.

Signature of Person Making the Report

Date

Received By

Date

FOR OFFICIAL USE ONLY

This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.

The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sex-based discrimination or harassment, other forms of discrimination or harassment, or if the matter merits review and action under other Board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports (including those that may be received through the Safe2Say Something program) to assess the report.

Upon receipt of the report, the Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, to discuss reasonable safety concerns and to discuss the availability of supportive measures as described in Policy 104 and the Grievance Procedures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

I. Reporter Information:

Name: _____

Address: _____

Phone Number: _____

Assigned School Building(s): _____

Reporter is a(n):

☐ Employee ☐ Volunteer ☐ Visitor

☐ Other _____ (please explain relationship to the district)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is:

☐ Another Employee ☐ Student

☐ Other: _____ (please explain relationship to the alleged victim)

II. Respondent Information

Please provide the name(s) of the individual(s) believed to have conducted the reported violation:

Name(s):

The reported respondent(s) is/are:

☐ Student(s) ☐ Employee(s)

☐ Other _____ (please explain relationship to the district)

III. Type of Report:

☐ Title IX Sex-Based Discrimination

☐ Title IX Sex-Based Harassment

☐ Discrimination/Harassment

☐ Retaliation

☐ Other _____

Nature of the Report (check all that apply):

☐ Race

☐ Color

☐ Religion

☐ Sexual Orientation

☐ National Origin

☐ Marital Status

☐ Handicap/Disability

☐ Association with a person who has a protected classification

☐ Age

☐ Religious Creed

☐ Sex

☐ Pregnancy or Related Conditions

☐ Ancestry

☐ Genetic Information

IV. Reported Conduct

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).

How often did the conduct occur?

Does the complainant believe the conduct will continue? ☐ Yes ☐ No

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act? If unsure, contact the Director of Special Education.

☐ No.

☐ Yes, please identify the student with a disability and contact the Director of Special Education.

Date Director of Special Education was contacted: _____

How has the conduct affected the alleged victim's ability to fully participate in the school's programs or activities in the course of school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

Identify additional evidence that may be helpful in the course of the investigation.

V. Safety Concerns

Are there reasonable safety concerns that may require Emergency Removal or Administrative Leave of a respondent? (This requires an individualized safety and risk analysis as to whether there is an imminent and serious threat to the physical health or safety of an individual.)

☐ No.

☐ Yes, please describe:

VI. Other Reports

Has the conduct been reported to law enforcement or any other agency?

☐ No

☐ Yes Date reported: _____ Agency: _____

VII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

☐ Policy 103. Discrimination/Harassment Affecting Students

☐ Policy 104. Discrimination/Harassment Affecting Staff

☐ Other _____

To meet the definition of Title IX sex-based discrimination or harassment, the conduct must have taken place during a district education program or activity against a person in the United States and be subject to the district's disciplinary authority. An education program and activity includes, but is not limited to, academic, extracurricular, research, occupational training and other education programs and activities of the district. The district is obligated to address a sex-based hostile environment in a district education program or activity, even when some conduct is outside the district's program or activity, or outside of the United States.

Did the incident occur during a during a school program or activity involving a person in the United States?

☐ Yes

☐ No

To meet the definition of Title IX sex-based discrimination or harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

- ☐ Discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation or gender identity.
- ☐ A district employee or other person authorized to provide a district aid, benefit or service explicitly or impliedly conditions the provision of the aid, benefit or service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo harassment.
- ☐ *Hostile environment harassment* - unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a district education program or activity. Determination of whether a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to:
- The degree to which the conduct affected the complainant's ability to access the district's education program or activity;
 - The type, frequency and duration of the conduct;
 - The complainant's and respondent's ages, roles in the district education program or activity, previous interactions and other relevant factors;
 - The location and context in which the conduct occurred; and
 - Other sex-based harassment in the district's education program or activity.
- ☐ Sexual assault, dating violence, domestic violence or stalking.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:

- Length of relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the

victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Sexual assault means a sexual offense under a state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Stalking means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:

1. Fear for their safety or the safety of others.
2. Suffer substantial emotional distress.

VIII. Recommended Course of Action

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

- ☐ No further action at this time. Reason:
- ☐ Policy 104 Discrimination/Harassment Affecting Staff: Discrimination Complaint Procedures
- ☐ Policy 104. Discrimination/Harassment Affecting Staff: Grievance Procedures
- ☐ Other _____

IX. Title IX Information to Complainant

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures and reasonable safety concerns?

Upon designating a course of action under Title IX sex-based discrimination or harassment, the Title IX Coordinator will promptly:

1. Explain to the complainant the process for filing a complaint and provide information about the Grievance Procedures and informal resolution process, if applicable.

2. Inform the complainant of the continued availability of supportive measures with or without the filing of a complaint.
3. Determine what supportive measures may be offered to the respondent.
4. Determine whether the complainant wishes this report to be treated as a complaint.

X. Title IX Coordinator Signature

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator: _____

Date: _____

XI. District-Initiated Title IX Complaint

If the complainant does not wish this report to be treated as a complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether initiation of the Grievance Procedures is necessary to investigate and address the situation adequately.

This assessment shall be fact specific, including at a minimum, the following factors:

1. The complainant's request not to proceed with initiation of a complaint pursuant to Title IX.
2. The complainant's reasonable safety concerns regarding the initiation of a complaint pursuant to Title IX.
3. The risk that additional acts of sex-based discrimination or harassment would occur if a complaint is not initiated.
4. The severity of the allegation, including whether the sex-based discrimination or harassment, if established, would require the removal of the respondent from campus or imposition of another disciplinary sanction to end the discrimination or harassment and prevent its recurrence.
5. The age and relationship of the parties, including whether the respondent is a district supervisor.

6. The scope of the allegation, including information suggesting a pattern, ongoing sex-based discrimination or harassment or sex-based discrimination or harassment alleged to have impacted multiple individuals.
7. The availability of evidence to assist a decision-maker in determining whether sex-based discrimination or harassment occurred.
8. Whether the district could end the alleged sex-based discrimination or harassment and prevent its recurrence without initiating the Grievance Procedures.

The Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

If after assessment of the factors above and any other relevant factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other person, or that the alleged conduct prevents the district from ensuring equal access on the basis of sex to the district's education programs or activities, the Title IX Coordinator will notify the complainant of the decision prior to filing the complaint and the Title IX Coordinator will take measures to appropriately address reasonable concerns about the complainant's safety or the safety of others, including the provision of supportive measures.

As Title IX Coordinator, I have determined that, notwithstanding the complainant's preference, it is necessary to proceed with the initiation of the Grievance Procedures for the following reasons:

Therefore, I am signing this form for the purpose of serving as the complaint initiating the Grievance Procedures:

Title IX Coordinator's Signature: _____

Date: _____



Book	Policy Manual
Section	100 Programs
Title	Discrimination/Harassment Affecting Staff
Code	104 Vol IV 2024
Status	First Reading
Adopted	May 15, 2006
Last Revised	October 19, 2020

Authority

The Board declares it to be the policy of this district to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, **religious** creed, religion, sex, sexual orientation, **gender identity**, ancestry, national origin, marital status, genetic information, handicap/disability or pregnancy, **childbirth or pregnancy-related medical conditions**. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, **as well as pregnancy, childbirth and pregnancy-related medical conditions**, consistent with the requirements of federal and state laws and regulations.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)

The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting **sex-based discrimination and** harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the **Office** for Civil Rights of the U.S. Department of Education, or both.

Definitions

General Definitions

Complaint shall mean an oral or written request to the district that objectively can be understood as a request to investigate and make a determination about alleged discrimination.[\[14\]](#)

Complainant shall mean an individual who is alleged to have been subject to conduct that could constitute discrimination in accordance with law and this policy.[\[14\]](#)

Pregnancy, childbirth and pregnancy-related medical conditions, as defined in federal law, refers to the pregnancy or childbirth of the specific employee and includes, but is not limited to, current pregnancy; past pregnancy or recovery; termination of pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment and the use of contraception); labor; childbirth; and lactation. Related medical conditions are medical conditions relating to the pregnancy, termination of pregnancy, childbirth or lactation of the specific employee.[\[14\]](#)[\[15\]](#)

Pregnancy, as defined in state law, shall include the use of assisted reproductive technology, the state of being in gestation, childbirth, breastfeeding, the postpartum period after childbirth and medical conditions related to pregnancy.[\[16\]](#)

Respondent shall mean a person who is alleged to have violated the district's prohibition on discrimination in accordance with applicable law and this policy.[\[14\]](#)

Retaliation shall mean intimidation, threats, coercion or discrimination against any person by the district, a student, employee or other person authorized to provide a district aid, benefit or service, for the purpose of interfering with any right or privilege under applicable law or Board

policy, or because the person has reported information, made a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing, including an informal resolution process or any other actions taken by the district in accordance with applicable law and this policy and procedures. This term shall not include the district requiring an employee or other individual providing a district aid, benefit or service to participate or assist with an investigation, proceeding or hearing in accordance with applicable law and this policy.[\[14\]](#)[\[17\]](#)

Discrimination Other Than Title IX

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, **religious** creed, religion, sex, **gender identity**, sexual orientation, genetic information, ancestry, national origin, marital status, handicap/disability, pregnancy, **childbirth or pregnancy-related conditions, or based on an individual's association with a person who has a protected classification.**

Harassment is a form of discrimination based on the protected classifications listed in this policy, **or association with an individual who has a protected classification**, consisting of **objectively and subjectively hostile** conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes **or comments**, slurs, **stereotypes**, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, **ostracism, misgendering or denial of access to facilities consistent with an individual's gender identity**, or other conduct that **affects a term, condition or privilege of employment**, and may be harmful or humiliating or interfere with a person's school or school-related work performance, including when: [\[9\]](#)

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or
2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or
3. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile or offensive working environment such that it alters the complainant's working conditions **or affects a term, condition or privilege of employment.**

Examples of harassment based on race, color, ancestry or national origin may include but not be limited to harassment regarding traits or characteristics related to an individual's name, cultural dress or diet, accent, linguistic characteristics or manner of speech, or physical characteristics, such as hairstyles or hair texture.

Harassment based on religion, religious creed, sex, pregnancy or related conditions, or handicap/disability may include harassment based on a request for or receipt of a reasonable accommodation.

Discrimination or harassment based on handicap/disability may also include harassment based on how an individual speaks, looks or moves, as well as discrimination or harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability; has a record or history of a disability, even if the individual does not currently have a disability; or is associated with an individual who has a disability.

Religious creed includes all aspects of religious observance, practice or belief.[\[18\]](#)

Religious beliefs include:[\[16\]](#)

1. **Moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.**
2. **The beliefs a complainant professes without regard to whether a religious group espouses these beliefs.**

Race includes all of the following:[\[16\]](#)[\[19\]](#)

1. **Ancestry, national origin or ethnic characteristics.**
2. **Interracial marriage or association.**
3. **Traits associated with race, which includes but is not limited to, hair texture and protective hairstyles, such as braids, locks and twists.**
4. **Hispanic ancestry, national origin or ethnic characteristics.**
5. **Persons of any other national origin or ancestry as specified by a complainant or in a complaint.**

Sex includes:[\[16\]](#)[\[20\]](#)

1. **Pregnancy.**
2. **Sex assigned at birth.**
3. **Gender, including a person's gender identity or gender expression. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is part of a person's core identity.**
4. **Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality.**
5. **Differences of sex development, variations of sex characteristics or other intersex characteristics.**

Definitions Related to Title IX

Title IX sex-based discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.[\[14\]](#)[\[21\]](#)[\[22\]](#)

Title IX sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including:[\[14\]](#)

1. ***Quid pro quo harassment* - a district employee or other person authorized to provide a district aid, benefit or service explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct.**
2. ***Hostile environment harassment* - unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a district education program or activity. Determination of whether a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to:**
 - a. **The degree to which the conduct affected the complainant's ability to access the district's education program or activity;**
 - b. **The type, frequency and duration of the conduct;**
 - c. **The complainant's and respondent's ages, roles in the district education program or activity, previous interactions and other relevant factors;**
 - d. **The location and context in which the conduct occurred; and**
 - e. **Other sex-based harassment in the district's education program or activity.**
3. **Sexual assault, dating violence, domestic violence or stalking.**
 - a. ***Dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:**[\[23\]](#)

- i. Length of relationship.
 - ii. Type of relationship.
 - iii. Frequency of interaction between the persons involved in the relationship.
- b. **Domestic violence** includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[\[23\]](#)
 - c. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[\[24\]](#)
 - d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either: [\[23\]](#)
 - i. Fear for their safety or the safety of others.
 - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as **sex-based discrimination or harassment** under Title IX. **This includes conduct that is subject to the district's disciplinary authority. An education program or activity includes, but is not limited to, academic, extracurricular, research, occupational training and other education programs or activities of the district. The district is obligated to address a sex-based hostile environment in a district education program or activity, even when some conduct is outside the district's program or activity, or outside of the United States.**[\[22\]](#)[\[25\]](#)[\[26\]](#)[\[27\]](#)

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, **without unreasonably burdening a complainant or respondent** and without fee or charge to the complainant or the respondent **in order to:**[\[14\]](#)[\[26\]](#)

1. **Restore or preserve access to the district's education program or activity, including measures designed to protect the safety of the individuals or the district's educational environment; or**
2. **Provide support during the grievance procedures or during an informal resolution process.**

Supportive measures may include, but are not limited to:[\[26\]](#)

1. Counseling or Employee Assistance Program.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. **Restrictions** on contact **applied to one or more** parties.
6. Changes in work locations **or other activities.**
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.

10. **Training and education programs related to sex-based harassment.**

11. Assistance from domestic violence or rape crisis programs.

12. Assistance from community health resources, including counseling resources.

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 [\[28\]](#)

Superintendent as the district's Compliance Officer and the Assistant to the Superintendent of K-12 Education and School Safety as the district's Title IX Coordinator.

The Compliance Officer can be contacted at:

Address: 200 Poplar Street, Vandergrift, PA 15690

Email: jason.lohr@kiskiarea.com

Phone Number: 724-845-2022

The Title IX Coordinator can be contacted at:

Address: 200 Poplar Street, Vandergrift, PA 15690

Email: chad.roland@kiskiarea.com

Phone Number: 724-845-2022

The Compliance Officer and Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures, **to monitor and address barriers to reporting** and to monitor the implementation of the district's nondiscrimination procedures in the following areas, as appropriate: [\[26\]](#)

1. Review - Review of personnel **and hiring** practices and actions for discriminatory bias and compliance with laws against discrimination **and harassment**, to include monitoring and **promptly implementing** corrective measures when appropriate. **This may include, but is not limited to, changes to** written position qualifications, job descriptions and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; district designed performance evaluations; review of planned employee demotions, nonrenewal of contracts and proposed employee disciplinary actions up to and including termination; **and provision of employee benefits and services.**
2. Training - Provide training for supervisors and staff to prevent, identify and alleviate **conduct which may constitute** discrimination **or harassment.**
3. Resources - Maintain and provide information to staff on resources available to **complainants** in addition to the school complaint procedure or Title IX procedures, such as making reports to **law enforcement**, and available supportive measures such as assistance from domestic violence or rape crisis programs, and community health resources, including counseling resources.
4. Reports/**Complaints** - Monitor and provide technical assistance to individuals involved in managing **reports and complaints.**

Guidelines

When district programs and activities include separation on the basis of sex, in accordance with law and regulations, including but not limited to separate restroom or changing facilities, the district shall not implement such programs or activities in a manner that discriminates on the basis of sex, including an individual's gender identity. [\[22\]](#)[\[29\]](#)

Violations of this policy, including acts of retaliation as defined in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures, and in accordance with applicable law and regulations. [\[27\]](#)[\[30\]](#)[\[31\]](#)

The Board requires a notice stating that the district does not discriminate in any manner, including Title IX **sex-based discrimination and** harassment, in any district education program or activity, to be issued to all students, parents/guardians **or other legal representatives of students**, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the **name or** title, office address, phone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator. **The district's notice shall provide information on the location of the Board policy and complaint or grievance procedures, how to report information about conduct prohibited by this policy and how to file a complaint.**[\[28\]](#)

The Board directs that this notice be included in each staff handbook, on the district website, and in each catalog, announcement, bulletin and application form for applicants and employees. An abbreviated statement of the district's prohibition of discrimination, that individuals may report concerns to the Title IX Coordinator and location of the full notice on the district website may be published when necessary due to size or format of publications. A copy of this policy and related attachments shall also be posted to the district's website.[\[28\]](#)

The Board shall engage in the interactive process with qualified employees and provide reasonable accommodations in accordance with applicable law and regulations.[\[11\]](#)[\[12\]](#)[\[32\]](#)

The district shall not require a qualified employee to take paid or unpaid leave for pregnancy, childbirth or pregnancy-related medical conditions if another reasonable accommodation can be provided to address the employee's known limitations.[\[33\]](#)[\[34\]](#)[\[35\]](#)[\[36\]](#)

Reports of Title IX **Sex-Based Discrimination and** Harassment and Other Discrimination and Retaliation

The Board encourages employees, **applicants** and third parties who believe they or others have been subject to Title IX **sex-based discrimination and** harassment, other discrimination, **harassment** or retaliation to promptly report such incidents to the building principal or **Title IX Coordinator**. A person who is not an intended victim or target of discrimination **or harassment** but is adversely affected by the **conduct** may file a report of **sex-based** discrimination.

An employee serving in a supervisory position who suspects or is notified that a district employee may have been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Title IX Coordinator.

If the **Title IX Coordinator** is the subject of a complaint, the complainant, **building principal** or the individual making the report shall direct the report of the incident to the **Superintendent or designee**.

The complainant or the individual making the report may use the Discrimination/Harassment/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, **oral** reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

The building **principal** shall promptly notify the Title IX Coordinator of all reports of discrimination, **harassment**, Title IX **sex-based discrimination and** harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures **and reasonable safety concerns.**[\[26\]](#)

The Title IX Coordinator shall conduct an assessment to determine whether the reported **conduct meets** the definition of Title IX **sex-based discrimination or** harassment and **the appropriate procedures to address the conduct in accordance with this Board policy and procedures, or other Board policies.**[\[26\]](#)

If the Title IX Coordinator reasonably determines that the conduct may constitute sex-based discrimination or harassment, or other discrimination or harassment, the Title IX Coordinator shall take the following steps under applicable law and regulations, this Board policy and procedures:[\[26\]](#)

1. **Treat the complainant and respondent equitably.**
2. **Offer and coordinate supportive measures, as appropriate, for the complainant and respondent.**

3. **Notify the complainant or individual who reported the conduct of the grievance procedures and informal resolution process, if available and appropriate.**
4. **If a complaint is made, notify the respondent of the grievance procedures and, if applicable, the informal resolution process.**
5. **Initiate the grievance procedures or informal resolution process, if available and appropriate.**
6. **In the absence of a complaint or withdrawal of any or all allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint under the grievance procedures, in accordance with law, regulations and the grievance procedures.**
7. **If initiating a complaint under the grievance procedures, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety and the safety of others, including by providing supportive measures.**
8. **Take other prompt and effective steps to ensure that sex-based discrimination and harassment or other discrimination or harassment does not continue or recur within the district's education programs or activities.**

Disciplinary Procedures when Reports Allege Title IX **Sex-Based Discrimination or Harassment**

When a report alleges Title IX **sex-based discrimination or harassment**, disciplinary sanctions may not be imposed until the completion of the grievance **procedures**. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance **procedures**.[\[27\]](#)

Administrative Leave –

When an employee, based on an individualized safety and risk analysis, poses an **imminent and serious** threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis. **The employee will be provided with notice and provided an opportunity to challenge the emergency removal immediately following the removal.**[\[26\]](#)[\[30\]](#)

An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance **procedures**, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report and the investigation related to any form of discrimination or retaliation, including Title IX **sex-based discrimination or harassment**, shall be handled in accordance with applicable law, regulations, **Board policy and procedures**, and the district's legal and investigative obligations **to carry out the grievance procedures**.[\[17\]](#)[\[27\]](#)[\[37\]](#)[\[38\]](#)

The district shall not disclose personally identifiable information except in the following circumstances:[\[26\]](#)[\[37\]](#)[\[38\]](#)[\[39\]](#)[\[40\]](#)[\[41\]](#)[\[42\]](#)

1. **When the district has obtained prior written consent in accordance with law.**
2. **When student information is disclosed to a parent/guardian as defined in Board policy or other authorized legal representative with the legal right to receive disclosures on behalf of the individual.**
3. **To carry out the requirements of this policy and the accompanying procedures.**
4. **As required or permitted by applicable law or regulations or the requirements of grant funding.**

Retaliation

The Board prohibits retaliation by the district or any other person against any person for: [\[17\]](#)[\[43\]](#)

1. Reporting or making a **complaint of conduct that may constitute** discrimination or retaliation, including Title IX **sex-based discrimination or** harassment.
2. Testifying, assisting, participating **in any manner** or refusing to participate in a related investigation, process or other proceeding or hearing.
3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The district, its employees and others are prohibited from intimidating, threatening, **harassing**, coercing or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if they believe retaliation has occurred. **The district shall respond to reports of retaliation by initiating the appropriate procedures in accordance with applicable law, regulations and this Board policy. Retaliation that falls under Title IX shall be addressed through the grievance procedures or, as appropriate, through the informal resolution process.**[\[17\]](#)

Title IX **Sex-Based Discrimination and** Harassment Training Requirements

The district shall provide training annually to all school employees on:[\[28\]](#)

1. **The district's obligation to address sex-based discrimination and harassment in district education programs and activities.**
2. **The scope of conduct that constitutes sex-based discrimination and harassment, as defined in the law and this policy.**
3. **Staff responsibility to provide the Title IX Coordinator's contact information to students or parents/guardians and to notify the Title IX Coordinator regarding conduct that may constitute sex-based discrimination or harassment, in accordance with Board policy and procedures.**[\[41\]](#)

The Compliance Officer and Title IX Coordinator, investigators, decision-makers, or any **staff responsible to implement grievance procedures** related to Title IX **sex-based discrimination or** harassment **and any staff authorized to modify or terminate supportive measures** shall receive the following training **annually**, as required or appropriate to their specific role:[\[28\]](#)

1. **The district's obligations under Title IX, including** definitions of **sex-based discrimination and** harassment.
2. **The grievance procedures used to address Title IX complaints.**
3. **How to conduct an investigation**, including examination of evidence, **interviewing witnesses, evaluating credibility**, drafting **reports and** determinations, **and** handling appeals, as applicable.
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.
5. Issues of relevance **in relation to** questions and evidence, **and the types of evidence that are impermissible regardless of relevance.**

Staff designated to facilitate the informal resolution process shall receive training annually on the rules and practices associated with the informal resolution process and how to serve impartially, including by avoiding conflicts of interest and bias.[\[28\]](#)

The Title IX Coordinator and designees shall receive the following training annually, in addition to all other training required by Title IX and this policy:[\[28\]](#)

1. **Specific responsibilities of the Title IX Coordinator, in accordance with law and Board policy and procedures.**
2. **The district's recordkeeping system and requirements for recordkeeping in accordance with Title IX and Board policy and administrative regulations.**[\[40\]](#)[\[46\]](#)

3. Any other training required to coordinate the district's compliance with Title IX and other applicable laws, regulations and Board policy.

All training materials shall be **retained for at least seven (7) years and must be made available for inspection upon request from a member of the public.**~~[28]~~~~[46]~~~~[47]~~

Disciplinary Consequences

An employee who violates this policy, **including a determination of sex-based harassment**, shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.
~~[30]~~~~[31]~~

Handling of Reports

All reports of discrimination or Title IX sex-based discrimination or harassment shall be handled in accordance with the Grievance Procedures attached to this policy.

PSBA 7/24 @2024

Legal

- [1. 43 P.S. 336.3](#)
- [2. 43 P.S. 951 et seq](#)
- [3. 34 CFR Part 106](#)
- [4. 20 U.S.C. 1681 et seq](#)
- [5. 29 U.S.C. 206](#)
- [6. 29 U.S.C. 621 et seq](#)
- [7. 29 U.S.C. 794](#)
- [8. 42 U.S.C. 1981 et seq](#)
- [9. 42 U.S.C. 2000e et seq](#)
- [10. 42 U.S.C. 2000ff et seq](#)
- [11. 42 U.S.C. 12101 et seq](#)
- [12. 29 CFR Part 1636](#)
- [13. U.S. Const. Amend. XIV, Equal Protection Clause](#)
- [14. 34 CFR 106.2](#)
- [15. 29 CFR 1636.3](#)
- [16. 16 PA Code 41.204](#)
- [17. 34 CFR 106.71](#)
- [18. 16 PA Code 41.205](#)
- [19. 16 PA Code 41.207](#)
- [20. 16 PA Code 41.206](#)
- [21. 34 CFR 106.10](#)
- [22. 34 CFR 106.31](#)
- [23. 34 U.S.C. 12291](#)
- [24. 20 U.S.C. 1092](#)
- [25. 34 CFR 106.11](#)
- [26. 34 CFR 106.44](#)
- [27. 34 CFR 106.45](#)
- [28. 34 CFR 106.8](#)
- [29. 34 CFR 106.41](#)
30. Pol. 317

31. Pol. 317.1

[32. 29 CFR 1630.1 et seq](#)

[33. 29 CFR 1636.4](#)

34. Pol. 335

35. Pol. 336

36. Pol. 339

[37. 20 U.S.C. 1232g](#)

[38. 34 CFR Part 99](#)

39. Pol. 216

40. Pol. 324

41. Pol. 103

42. Pol. 113.4

[43. 29 CFR 1636.5](#)

44. Pol. 806

45. Pol. 824

46. Pol. 800

47. Pol. 801

[18 Pa. C.S.A. 2709](#)

[16 PA Code 41.201 et seq](#)

[28 CFR 35.140](#)

[28 CFR Part 41](#)

[29 CFR Parts 1600-1691](#)

[U.S. Equal Employment Opportunity Commission Questions and Answers on Religious Discrimination in the Workplace](#)

[U.S. Equal Employment Opportunity Commission \(EEOC\) Enforcement Guidance on Harassment in the Workplace \(2024\)](#)

Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998)

Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 (2020)

Groff v. DeJoy, 600 U.S. 447 (2023)

Pol. 320

Pol. 815



104 Report Form.pdf (322 KB)



104-Discrimination Complaint Procedures.docx (49 KB)



104-Grievance Procedures.docx (85 KB)

DISCRIMINATION/SEXUAL HARASSMENT/RETALIATION REPORT FORM

The Board declares it to be the policy of this district to provide a safe, positive learning and working environment that is free from sexual harassment, other discrimination and retaliation. If you have experienced, or if you have knowledge of, any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator's contact information is:

Position:

Address:

Email:

Phone Number:

Retaliation Prohibited

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against you for making this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

Confidentiality

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with Board policy, procedures, and the district's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality as long as doing so does not preclude the school from responding effectively to the report. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the district has an obligation to investigate the information provided.

Note: For purposes of Title IX sexual harassment, this Report Form serves initially as an informal report, not a formal complaint of Sexual Harassment under Title IX.

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

Assigned School Building(s):

I am a:

☐ Employee ☐ Volunteer ☐ Visitor

☐ Other _____ (please explain relationship to the district)

If you are not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is:

☐ Another Employee ☐ Student

☐ Other: _____ (please explain relationship to the alleged victim)

II. Information About the Person(s) You Believe is/are Responsible for the Harassment, Retaliation or Other Discrimination You are Reporting

What is/are the name(s) of the individual(s) you believe is/are responsible for the conduct you are reporting?

Name(s):

The reported individual(s) is/are:

☐ Student(s) ☐ Employee(s)

☐ Other _____ (please explain relationship to the district)

III. Description of the Conduct You are Reporting

In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:

When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report?

☐ Yes ☐ No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?

I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge. I understand that any false information provided herein is subject to penalties contained in 18 Pa. C.S.A. Sec. 4904, relating to unsworn falsification to authorities.

Signature of Person Making the Report

Date

Received By

Date

FOR OFFICIAL USE ONLY

This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.

The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sexual harassment or if the matter merits review and action under other Board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports (including those that may be received through the Safe2Say Something program) to assess the report.

Upon receipt of the report, The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures as described in Policy 104 and Attachment 3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

I. Reporter Information:

Name: _____

Address: _____

Phone Number: _____

Assigned School Building(s):

Reporter is a:

☐ Employee ☐ Volunteer ☐ Visitor

☐ Other _____ (please explain relationship to the district)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is:

☐ Another Employee ☐ Student

☐ Other: _____ (please explain relationship to the alleged victim)

II. Respondent Information

Please provide the name(s) of the individual(s) believed to have conducted the reported violation:

Name(s):

The reported respondent(s) is/are:

- ☐ Student(s) ☐ Employee(s)
- ☐ Other _____ (please explain relationship to the district)

III. Level of Report:

- ☐ Informal ☐ Formal (see additional information below on Title IX formal complaints)

IV. Type of Report:

- ☐ Title IX Sexual Harassment ☐ Discrimination ☐ Retaliation ☐ Other _____

Nature of the Report (check all that apply):

- | | |
|--|--|
| ☐ Race | ☐ Age |
| ☐ Color | ☐ Creed |
| ☐ Religion | ☐ Sex |
| ☐ Sexual Orientation | ☐ Sexual Harassment |
| ☐ National Origin | ☐ Ancestry |
| ☐ Marital Status | ☐ Pregnancy |
| ☐ Handicap/Disability | ☐ Genetic Information |

V. Reported Conduct

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).

How often did the conduct occur?

Is it being repeated? ☐ Yes ☐ No

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act?

☐ No.

☐ Yes, please identify the student with a disability and contact the Director of Special Education.

Date Director of Special Education was contacted: _____

How has the conduct affected the alleged victim's ability to fully participate in the school's programs or activities in the course of school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

VI. Safety Concerns

Are there safety concerns that may require Emergency Removal or Administrative Leave of a respondent? (This requires an individualized safety and risk analysis as to whether there is an immediate threat to the physical health or safety of an individual.)

☐ No.

☐ Yes, please describe:

VII. Other Reports

Has the conduct been reported to the police or any other agency?

☐ No

☐ Yes Date reported: _____ Agency: _____

VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

☐ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students

☐ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff

☐ Other _____

To meet the definition of Title IX sexual harassment, the conduct must have taken place during a district education program or activity involving a person in the United States. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.

Did the incident occur during a school program or activity involving a person in the United States?

☐ Yes

☐ No

To meet the definition of Title IX sexual harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

☐ A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual harassment.

☐ Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.

☐ Sexual assault, dating violence, domestic violence or stalking.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:

- Length of relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Sexual assault means a sexual offense under a state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Stalking means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:

1. Fear for their safety or the safety of others.
2. Suffer substantial emotional distress.

IX. Recommended Course of Action

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

☐ No further action at this time. Reason:

☐ Policy 104 Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 2
Discrimination Complaint Procedures

☐ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 3 Title IX
Sexual Harassment Procedures and Grievance Process for Formal Complaints

☐ Other _____

X. Title IX Information to Complainant

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures?

Upon designating a course of action under Title IX sexual harassment, the Title IX Coordinator will promptly:

1. Explain to the complainant the process for filing a formal complaint.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.
3. Determine what supportive measures may be offered to the respondent.
4. Determine whether the complainant wishes this report to be treated as a formal complaint.

XI. Title IX Coordinator Signature

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator: _____

Date: _____

XII. Title IX Formal Complaint Action

The Title IX Coordinator shall have the complainant check the appropriate box and sign and date below to indicate whether or not the complainant wishes to have this form serve as a formal complaint pursuant to Title IX.

I would like my report to be treated as a formal complaint of sexual harassment pursuant to Title IX.

☐ Yes ☐ No

Complainant's Signature: _____

Date: _____

If the complainant does not wish this report to be treated as a formal complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether instead a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is a supervisor, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. The Title IX Coordinator may consult with the school solicitor and other district official in making this decision.

As Title IX Coordinator, I have determined that, notwithstanding the complainant's preference, it is necessary to proceed with the Grievance Process for Formal Complaints for the following reasons:

Therefore, I am signing this form for the purpose of serving as the formal complaint initiating that process:

Title IX Coordinator's Signature: _____

Date: _____

DISCRIMINATION COMPLAINT PROCEDURES

All reports of discrimination and retaliation brought pursuant to the district's discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 104 but merits review and possible action under other Board policies or the Code of Student Conduct for students. (Pol. 103.1, 218,317)

Definitions

Complainant shall mean an individual who is alleged to be the victim.

Respondent shall mean an individual who has been reported to be the perpetrator of the alleged conduct.

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, genetic information, ancestry, national origin, marital status, pregnancy, or handicap/disability.

Harassment is a form of discrimination based on the protected classifications listed in the policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related work performance, including when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or
2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or
3. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions.

Retaliation shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report discrimination or harassment, participate in an investigation or other process addressing discrimination or harassment, or act in opposition to discriminatory practices.

Reasonable Accommodations

Throughout the discrimination complaint procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities

for all parties, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 104, 113, 832, 906)

Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building principal, building administrator or Compliance Officer shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 805.1, 806, 824)

Timeframes

Reasonably prompt timeframes shall be established for completing each step of the discrimination complaint procedures, including timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

PROCEDURES FOR COMPLAINTS OF DISCRIMINATION

Step 1 – Reporting

An employee or individual who believes they have been subject to discrimination by any district student, employee or third party is encouraged to immediately report the incident to the building principal using the Discrimination/Sexual Harassment/Retaliation Report Form or by making a general report verbally or in writing to the building principal or building administrator. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.

If a student is identified as a party in the report, parents/guardians have the right to act on behalf of the student at any time.

Any person with knowledge of discrimination in violation of Board policy or this procedure is encouraged to immediately report the matter to the building principal or building administrator.

The building principal or building administrator shall immediately notify the Title IX Coordinator and Compliance Officer of the reported discrimination.

If the building principal or building administrator is the subject of a complaint, the person making the report shall report the incident directly to the Title IX Coordinator and/or Compliance Officer.

The complainant or reporting individual shall be encouraged to use the Discrimination/Sexual Harassment/Retaliation Report Form, however, complaints shall be accepted in person, by telephone, by mail or email, or by any other means that results in the appropriate individual receiving the individual's verbal or written report. Verbal reports shall be documented using the Discrimination/Sexual Harassment/Retaliation Report Form, and these procedures shall be implemented.

The Title IX Coordinator shall review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the Discrimination/Sexual Harassment/Retaliation Report Form. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in this Attachment 2, or if the reported circumstances meet the definition and parameters of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other applicable Board policies.

If the Title IX Coordinator determines that the report should be addressed through the discrimination complaint procedures, the Compliance Officer shall be notified and the complaint procedures in this Attachment 2 implemented.

When a party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Director of Special Education and coordinate to determine whether additional steps must be taken for the party, while the discrimination complaint procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

Step 2 – Initial Communications/Supports

The complainant shall be informed about the Board's policy on discrimination, including the right to an investigation of both verbal and written reports of discrimination.

The building principal, building administrator or designee, in consultation with the Compliance Officer, Title IX Coordinator and other appropriate individuals, shall promptly implement appropriate measures to protect the complainant and others as necessary from violation of the policy throughout the course of the investigation.

The building principal, building administrator or designee may provide to the complainant factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or respondent.

The building principal or Compliance Officer shall provide relevant information on resources available in addition to the discrimination 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.

Informal Remedies -

At any time after a complaint has been reported, if the Compliance Officer believes the circumstances are appropriate, the Compliance Officer may offer the parties involved in the complaint the opportunity to participate in informal remedies to address the reported conduct. Informal remedies can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services such as an Employee Assistance Program, or other measures to support the parties.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal remedies shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation to indicate agreement with the resolution and receive a copy, and forward it to the Compliance Officer.

The Compliance Officer shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies, and shall document all appropriate actions.

*If the informal remedies result in the final resolution of the complaint, the following steps are not applicable.

Step 3 – Investigation

The Compliance Officer shall assess whether the investigation should be conducted by the building principal, building administrator another district employee, the Compliance Officer or an attorney and shall promptly assign the investigation to that individual.

The Compliance Officer shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination and retaliation issues and Board policy, and how to conduct investigations and draft an investigative report.

The investigator shall work with the Compliance Officer to assess the anticipated scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the respondent may suggest additional witnesses and provide other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the respondent, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians, if applicable, 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 investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator 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 or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation, and the reason for such delay shall be documented by the investigator.

Step 4 – Investigative Report

The investigator shall prepare and submit a written report to the Compliance Officer within twenty (20) school days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator 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 investigative 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 Board Policy 104 and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discrimination or harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of Board policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the respondent shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written investigative report, to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The respondent shall not be notified of the individual remedies offered or provided to the complainant.

Step 5 – District Action

If the investigation results in a finding that some or all of the allegations of the discrimination complaint are founded and constitute a violation of Board policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the district education program or activity. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 104 or these procedures, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary. (Pol. 113.1, 218, 233, 317)

Disciplinary actions shall be consistent with Board policies and administrative regulations, the Code of Student Conduct for students, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 317, 317.1)

Appeal Procedure

If the complainant or the respondent is not satisfied with a finding made pursuant to these procedures or with recommended corrective action, they may submit a written appeal to the Compliance Officer within fifteen (15) school days of receiving notification of the outcome of the investigation. If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.

The 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.

The person handling the appeal shall prepare a written response to the appeal within twenty (20) school days.

Copies of the response shall be provided to the complainant, the respondent and the investigator who conducted the initial investigation.

TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

Definitions

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the district's Title IX Coordinator or any district official who has the authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school, other than the respondent.

Exculpatory evidence means evidence tending to exonerate the accused or helps to establish their innocence.

Inculpatory evidence means evidence tending to incriminate the accused or indicate their guilt.

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator the complainant or other party during the grievance process. The phrase “**document filed by a complainant**” refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

Retaliation shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report conduct that may constitute discrimination or harassment, including Title IX sexual harassment, in accordance with Board policy and procedures, participate in an investigation or other process addressing discrimination or Title IX sexual harassment, or act in opposition to discriminatory practices.

The following actions shall not constitute retaliation:

1. An individual exercising free speech under the rights protected by the First Amendment.
2. The assignment of consequences consistent with Board policy when an individual knowingly makes a materially false statement in bad faith in an investigation. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

Supportive measures mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures shall be designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:

1. Counseling or Employee Assistance Program.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work locations.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. Assistance from domestic violence or rape crisis programs.
11. Assistance from community health resources including counseling resources.

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.
 - a. **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
 - 1) Length of relationship.
 - 2) Type of relationship.
 - 3) Frequency of interaction between the persons involved in the relationship.

- b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- c. **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
 - 1) Fear for their safety or the safety of others.
 - 2) Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment subject to Title IX regulations. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs.

TITLE IX SEXUAL HARASSMENT PROCEDURES

General Response – (with or without a formal complaint)

Any person, whether the alleged victim or not, may report Title IX sexual harassment using the Discrimination/Sexual Harassment/Retaliation Report Form or by making a general report verbally or in writing to the building principal or building administrator, or by using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Upon receipt of a report, school staff shall immediately notify the building principal or building administrator.

A report may be made at any time, including during nonbusiness hours. Verbal reports shall be documented by the Title IX Coordinator or employee receiving the report using the Discrimination/Sexual Harassment/Retaliation Report Form, and these procedures shall be implemented appropriately.

District staff who become aware of harassment or other discrimination affecting a staff member shall promptly report it to the building principal or building administrator.

If a student is identified as a party in the report, parents/guardians have the right to act on behalf of the student at any time.

When the district has actual knowledge of Title IX sexual harassment, the district is required to respond promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

All sexual harassment reports and complaints received by the building principal or building administrator shall be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator shall use the Discrimination/Sexual Harassment/Retaliation Report Form to gather additional information from the reporter and/or other parties identified in the report, to determine if the allegations meet the definition and parameters for Title IX sexual harassment.

The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall initially assess whether the reported conduct:

1. Meets the definition of Title IX sexual harassment.
2. Occurred in a district program or activity under the control of the district and against a person in the United States.
3. Involves other Board policies or the Code of Student Conduct.
4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. (Pol. 103.1, 113)

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under other Board policies, the Code of Student Conduct or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations. (Pol. 103, 103.1, 113.1, 218, 317, 317.1)

If the result of the initial assessment determines that the allegations may constitute Title IX sexual harassment, the Title IX Coordinator shall promptly explain to the complainant the process for filing a formal complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.

The Title IX Coordinator shall also determine what supportive measures may be offered to the respondent.

If any party is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Director of Special Education to coordinate the required actions in accordance with Board policy. (Pol. 113, 113.1, 113.2, 113.3)

Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.4, 216, 324)

1. Individuals making a report or formal complaint.
2. Complainant(s).
3. Respondent(s).
4. Witnesses.

The district shall treat complainants and respondents equitably by:

1. Offering supportive measures to the complainant and may offer such measures to the respondent.
2. Following the grievance process for formal complaints before imposing disciplinary sanctions or other actions that are not supportive measures on the respondent.

Supportive Measures -

All supportive measures provided by the district shall remain confidential, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. (34 CFR 106.44)

When a party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Director of Special Education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

Reasonable Accommodations –

Throughout the Title IX sexual harassment procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 104, 113, 832, 906)

Employee Disciplinary Procedures When Reports Allege Title IX Sexual Harassment -

When reports allege Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.

Administrative Leave –

When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis.

An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.

Required Reporting Under Other Policies -

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 317.1, 805.1, 806, 824)

Timeframes

Reasonably prompt timeframes shall be established for the conclusion of the grievance process for formal complaints, including timeframes for the informal resolution process and timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party, a party's advisor or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

Redirection or Dismissal of Title IX Formal Complaints

Formal complaints may be dismissed, if at any time during the investigation or written determination steps described below:

1. A complainant provides written notification of withdrawal of any allegations or of the formal complaint.
2. The respondent is no longer enrolled or employed by the district in a district program or activity.
3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Only alleged conduct that occurred in the district's education program or activity, and against a person in the United States, may qualify as Title IX sexual harassment within the district's jurisdiction. If it is determined during the investigation or written determination steps below that none of the allegations, if true, would meet the definition and parameters of Title IX sexual harassment within the district's jurisdiction, the Title IX Coordinator shall dismiss the formal complaint under Title IX. If the matter merits review and possible action under other Board policies, the Code of Student Conduct or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations.

Written notification shall be promptly issued to the parties simultaneously of any allegations found not to qualify or that are dismissed in compliance with Title IX. Written notification shall state whether the allegations will continue to be addressed pursuant to other Board policies, the Code of Student Conduct or Attachment 2 addressing Discrimination Complaints.

A dismissal may be appealed via the appeal procedures set forth in this Attachment.

Consolidation of Title IX Formal Complaints

The district may consolidate formal complaints against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

Step 1 – Formal Complaint

The district is required to initiate the grievance process for formal complaints when a complainant files a formal complaint. The Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are not a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is a supervisor, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. Only the Title IX Coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

The complainant or the Title IX Coordinator shall use the designated section of the Discrimination/Sexual Harassment/Retaliation Report Form to file or sign a formal complaint.

The Title IX Coordinator shall assess whether the investigation should be conducted by the building principal, another district employee, the Title IX Coordinator or an attorney and shall promptly assign the investigation to that individual.

The Title IX Coordinator, investigator, decision-maker, or any individual designated to facilitate the informal resolution process, each must have completed the required training for such roles as designated in Board policy and shall not have a conflict of interest or bias for or against an individual complainant or respondent, or for or against complainants or respondents in general.

The respondent shall be presumed not responsible for the alleged conduct until a written determination regarding responsibility has been made at the conclusion of the grievance process for formal complaints.

Notice Requirements -

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, and the parents/guardians of known parties, if applicable, providing the following information:

1. Notice of the district's grievance process for formal complaints and any informal resolution process that may be available.
2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:

- a. The identity of the parties involved, if known.
 - b. The conduct allegedly constituting sexual harassment.
 - c. The date and location of the alleged incident(s), if known.
3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for formal complaints and, until that time, the respondent is presumed not responsible for the alleged conduct.
 4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.
 5. Notice that Board policy and the district's Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints.
 6. Notice to all known parties of any additional allegations that the district decides to investigate during the course of the investigation.

Step 2 – Informal Resolution Process

[Note: The informal resolution process cannot be offered or used to facilitate a resolution for any formal complaint where the allegations state that an employee sexually harassed a student.]

At any time after a formal complaint has been filed, but prior to reaching a determination of responsibility, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process, which does not involve a full investigation and adjudication of the Title IX sexual harassment complaint.

The district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal Title IX sexual harassment complaints. Similarly, a district may not require the parties to participate in an informal resolution process.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services such as an Employee Assistance Program, or supportive measures.

When offering an informal resolution process, the Title IX Coordinator shall:

1. Provide the parties a written notice disclosing the following:

- a. The allegations.
 - b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that 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 for formal complaints.
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties shall be informed of the rights being waived by agreeing to the informal resolution process, and shall acknowledge such agreement in writing.
 3. The informal resolution process shall be conducted within twenty (20) school days of the parties' signed agreement for the informal resolution process.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within twenty (20) school days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator shall document the informal resolution process, responses from all parties, and an explanation of why the district's response was not deliberately indifferent to the reported complaint of sexual harassment.

***If Step 2 Informal Resolution Process results in the final resolution of the complaint, the following steps are not applicable.**

Step 3 – Investigation

The designated investigator, if other than the Title IX Coordinator, shall work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation. The investigation stage shall be concluded within twenty (20) school days.

When investigating a formal complaint, the investigator shall:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the district obtains the voluntary, written consent of the party, or the party's parent/guardian when legally required, the district cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional

acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party. (For students - Pol. 113.4, 207, 209, 216; Safe2Say Something Procedures)

2. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The district may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.
6. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to prepare to participate:
 - a. Date.
 - b. Time.
 - c. Location.
 - d. Participants.
 - e. Purpose of all investigative interviews or other meetings.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the district does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

If at any point the investigation expands to include additional allegations that were not included in the initial notice provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX Coordinator. The Title IX Coordinator shall provide written notice of the new allegations to the known parties.

Prior to the completion of the investigative report, the investigator shall:

1. Send to each party and the party's advisor, if any, the evidence subject to inspection and review in electronic or hard copy format.

2. Provide the parties at least ten (10) school days following receipt of the evidence to submit a written response.
3. Consider the written response prior to drafting the investigative report.

The investigator shall draft an investigative report that fairly summarizes relevant evidence and shall provide the investigative report to all parties and to the designated decision-maker.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator, who shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Board policy. (Pol. 218, 317.1, 805.1, 806)

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

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX sexual harassment may be identified as part of the same incident or set of circumstances. The fact that there may be Title IX sexual harassment involved does not preclude the district from addressing other identified violations of Board policy or the Code of Student Conduct. If such other conduct is being investigated and addressed together with Title IX sexual harassment as part of the Title IX grievance process for formal complaints, disciplinary action normally should not be imposed until the completion of the Title IX grievance process for formal complaints; however, an employee may be placed on administrative leave in accordance with the provisions of this Attachment. A decision whether and when to take disciplinary action should be made in consultation with the school solicitor.

Step 4 – Written Determination and District Action

Designation of Decision-Maker -

To avoid any conflict of interest or bias, the decision-maker cannot be the same person as the Title IX Coordinator or the investigator. The responsibility as the decision-maker for complaints of Title IX sexual harassment shall generally be designated to the Director of Student Services.

If the Director of Student Services has a conflict of interest or is a party in the formal complaint process, they shall disclose the conflict and the Title IX Coordinator shall designate another individual to serve as the decision-maker.

Written Determination Submissions -

A written determination of responsibility (written determination) must not be finalized less than ten (10) days after the investigator completes the investigative report and provides it to all parties. Before the decision-maker reaches a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party.

Relevant questions for a party or witness must be submitted by each party within five (5) school days following receipt of the investigative report. Follow-up questions must be submitted by each party within five (5) school days of being provided the answers to the initial questions.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as part of the follow-up questions and responses, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The decision-maker shall explain to the party proposing the questions about any decision to exclude a question as not relevant.

Written Determination -

The decision-maker must issue a written determination for the conduct alleged in formal complaints. To reach this determination, the decision-maker shall apply the preponderance of the evidence standard, meaning that the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.

In considering evidence, the decision-maker shall ensure credibility determinations are not based on an individual's status as a complainant, respondent or witness.

After considering all relevant evidence, the decision-maker shall issue a written determination that includes:

1. Identification of the allegations potentially constituting Title IX sexual harassment.
2. A description of the procedural steps taken from the receipt or signing of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
3. Findings of fact supporting the determination.

4. Conclusions regarding the application of the district's Board policies or Code of Student Conduct to the facts.
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. Determination regarding responsibility.
 - b. Disciplinary sanctions.
 - c. Remedies designed to restore or preserve equal access to the district's education program or activity that will be provided by the district to the complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the respondent.
6. The procedures, deadline and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination becomes final either:

1. On the date that the district provides the parties with the written decision of the result of the appeal, if an appeal is filed;
2. Or, if an appeal is not filed, on the date on which an appeal would no longer be considered timely, in accordance with the timeframe established for appeals in this Attachment.

The Title IX Coordinator shall be responsible to ensure that any remedies are implemented by the appropriate district officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with Board policies and administrative regulations, the Code of Student Conduct, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities. (Pol. 113.1, 218, 233, 317, 317.1)

Appeal Process

Districts must offer both parties the right to appeal a determination of responsibility and the right to appeal the district's dismissal of a Title IX formal complaint or any allegation in the Title IX formal complaint. The scope of appeals related to Title IX sexual harassment are limited to the following reasons for appeal as stated in the Title IX regulations:

1. A procedural irregularity that affected the outcome of the matter.
2. New evidence that that could affect the outcome was not reasonably available at the time the decision to dismiss or determination of responsibility was made.

3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the individual complainant or respondent or for or against complainants or respondents generally that affected the outcome of the matter.

Written notice of a party's appeal shall be submitted to the Title IX Coordinator within ten (10) school days after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

The Title IX Coordinator shall ensure that the designated appeal authority is not the same person as the decision-maker that reached the determination, the investigator, or the Title IX Coordinator. The designated appeal authority shall be the: District solicitor or outside counsel.

For all appeals, the designated appeal authority shall:

1. Provide written notice to the other party when notice of an appeal is filed and implement appeal procedures equally for both parties.
2. Provide both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal. Supporting statements shall describe in detail as applicable the procedural irregularities asserted to have affected the outcome of the determination, the nature of any new evidence asserted to have affected the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If evidence exists supporting the basis for appeal, it shall accompany the supporting statement, or it shall identify where such evidence may be found.

Supporting statements must be submitted to the appeal authority and provided to the other party within ten (10) school days of the written notice of appeal.

Statements in opposition to the appeal shall be submitted within five (5) school days of the submission of supporting statements. If a statement in opposition to an appeal refers to any evidence beyond what is described in a supporting statement, it shall accompany the statement in opposition, or it shall identify where such evidence may be found.

The appeal authority may accept and consider evidence in support of or in opposition to an appeal in making any conclusions necessary to deciding the appeal. Alternatively, when the appeal authority determines that factors exist making it necessary for the decision-maker to further develop the evidentiary record relevant to the basis for appeal, the appeal authority may return the matter to the decision-maker for that limited purpose.

3. Determine whether the appeal meets the grounds for permitted reasons for appeal and justifies modifying the written determination.
4. Issue a written decision setting forth the respects, if any, in which the written determination is modified and the rationale for the result within twenty (20) school days.

5. Provide the written decision simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX Coordinator.

Recordkeeping

The district shall maintain the following records for a period of a minimum of seven (7) years after conclusion of procedures and implementation of disciplinary sanctions and/or remedies, or in the case of a complainant or respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation:

1. Each Title IX sexual harassment investigation, including any written determination and any audio or audiovisual recording or transcript, and disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity.
2. Any appeal and the result.
3. Any informal resolution and the result.
4. All materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process.
5. Records of any district actions, including any supportive measures, taken in response to a report or formal complaint of Title IX sexual harassment. In each instance, the district shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity. If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

104. DISCRIMINATION COMPLAINT PROCEDURES

DISCRIMINATION COMPLAINT PROCEDURES

The Discrimination Complaint Procedures prescribed in this attachment apply to reports of retaliation or discrimination on the basis of race, color, age, religious creed, religion, sex, gender identity, sexual orientation, ancestry, national origin, marital status, genetic information, handicap/disability or pregnancy, childbirth or pregnancy-related medical conditions that do not constitute Title IX sex-based discrimination or harassment as defined in Policy 104.

All reports of discrimination will be reviewed by the Title IX Coordinator upon receipt to determine if the allegations meet the definition and parameters of sex-based discrimination and harassment under Title IX. If the result of this review determines that the allegations fall within the scope of Title IX sex-based discrimination and harassment, then the Grievance Procedures set forth for Title IX Sex-Based Discrimination and Harassment will be followed.

[Note: if the same individual is assigned to the roles of Title IX Coordinator and Compliance Officer through Policy 104, please revise the terminology in this document to reflect the position of Title IX Coordinator/Compliance Officer throughout.]

All reports of discrimination and retaliation brought pursuant to the district's discrimination policy **will** also be reviewed for conduct which may not be proven discriminatory under Policy 104 but merits review and possible action under other Board policies or the Code of Student Conduct for students. (Pol. 103.1, **113.1**, 218, **233**, 317)

Reasonable Accommodations

Throughout the discrimination complaint procedures, the district **will** make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, **as well as reasonable accommodations for pregnancy, childbirth or pregnancy-related medical conditions**, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 104, 113, **234**, 906)

Required Reporting Under Other Policies

In addition to implementing the complaint procedures, the building principal or Compliance Officer **will** ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents **involving school safety**, reports of educator misconduct, threats or reports of suspected child abuse. (Pol. 218, 317.1, 805.1, 806, 824)

Timeframes

Reasonably prompt timeframes **will** be established for completing each step of the discrimination complaint procedures, including timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action **will** be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party or a witness.
2. **Request from law enforcement or child welfare agency.**
3. Need for language assistance or **accommodations.**

PROCEDURES FOR COMPLAINTS OF DISCRIMINATION

Step 1 – Reporting

An employee or individual who believes they have been subject to discrimination by any district student, employee or third party is encouraged to immediately report the incident to the building principal **or Title IX Coordinator** using the Discrimination/**Harassment**/Retaliation Report Form or by making a general report **orally** or in writing. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.

An employee serving in a supervisory position who suspects or is notified that a district employee may have been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Title IX Coordinator.

If a student is identified as a party in the report, parents/guardians have the right to act on behalf of the student at any time. **(Pol. 103)**

Any person with knowledge of discrimination in violation of Board policy or this procedure is encouraged to immediately report the matter to the building principal or **Title IX Coordinator.**

The building principal **will** immediately notify the Title IX Coordinator and Compliance Officer of reported discrimination.

If the building principal, **Title IX Coordinator or Compliance Officer** is the subject of a complaint, the person making the report **will** report the incident directly to the **Superintendent or designee.**

The complainant or reporting individual **will** be encouraged to use the Discrimination/**Harassment**/Retaliation Report Form, however, complaints **will** be accepted in person, by phone, by mail or email or by any other means that results in the appropriate individual receiving the **oral** or written report. **Oral** reports **will** be documented using the Discrimination/**Harassment**/ Retaliation Report Form, and these procedures **will** be implemented.

The Title IX Coordinator **will** review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the Discrimination/**Harassment**/Retaliation Report Form. The Title IX Coordinator **will** promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator **will** consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator **will** conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in this **document**, or if the reported circumstances meet the definition and parameters of Title IX **sex-based discrimination or** harassment and are most appropriately addressed through the Grievance **Procedures**, or other applicable Board policies.

If the Title IX Coordinator determines that the report should be addressed through the discrimination complaint procedures, the Compliance Officer **will** be notified and the complaint procedures in this **document will be** implemented.

When a party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator **will** notify the Director of Special Education and coordinate to determine whether additional steps must be taken for the party, while the discrimination complaint procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations **and** Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

Step 2 – Initial Communications/Supports

The complainant **will** be informed about the Board's policy on discrimination, including the right to an investigation of both **oral** and written reports of discrimination.

The building principal or designee, in consultation with the Compliance Officer, Title IX Coordinator and other appropriate individuals, **will** promptly implement appropriate measures to protect the complainant and others as necessary from violation of the policy throughout the course of the investigation.

The building principal or designee may provide to the complainant factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the **opportunity to report incident(s) to law enforcement**. The person accepting the complaint **will** handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or respondent.

The building principal or Compliance Officer **will** provide relevant information on resources available in addition to the discrimination complaint procedure, such as making reports to **law enforcement**, available assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.

Informal Remedies -

At any time after a complaint has been reported, if the Compliance Officer believes the circumstances are appropriate, the Compliance Officer may offer the parties involved in the complaint the opportunity to participate in informal remedies to address the reported conduct. Informal remedies can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services such as an Employee Assistance Program or other measures to support the parties.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal remedies **will** document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation to indicate agreement with the resolution and receive a copy, and forward it to the Compliance Officer.

The Compliance Officer **will** contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies, and **will** document all appropriate actions.

*If the informal remedies result in the final resolution of the complaint, the following steps are not applicable.

Step 3 – Investigation

The Compliance Officer **will** assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer or an attorney and **will** promptly assign the investigation to that individual. **The individual assigned to investigate the complaint must not be an employee supervised by the respondent or complainant.**

The Compliance Officer **will** ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination and retaliation issues and Board policy. **The individual must have received training on** how to conduct investigations, **including interviewing witnesses and evaluating credibility**, and **how to** draft an investigative report.

When investigating conduct that may be considered discriminatory harassment, and whether the harassment was objectively hostile, the investigator should review the conduct in its social context, from the perspective of a reasonable person of the complainant's protected class. For example, if investigating conduct related to harassment on the basis of race, the harassment should be evaluated from the perspective of a reasonable person of that same race.

The investigator **will** work with the Compliance Officer to assess the anticipated scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation.

The investigator **will** conduct an adequate, reliable and impartial investigation. The complainant and the respondent may suggest additional witnesses and provide other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the respondent and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians, if applicable, and witnesses **will** 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 **will** be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

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

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

Step 4 – Investigative Report

The investigator **will** prepare and submit a written report to the Compliance Officer within

{ } twenty (20) school days

{ } thirty (30) school days

{ } _____ school days

of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Compliance Officer to establish a different due date. The parties **will** 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 investigative report **will** 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 Board Policy 104 and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discrimination or harassment **will** consider the record as a whole and the totality of circumstances in determining whether a violation of Board policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the respondent **will** be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written investigative report, to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The respondent **will** not be notified of the individual remedies offered or provided to the complainant.

Step 5 – District Action

If the investigation results in a finding that some or all of the allegations of the discrimination complaint are founded and constitute a violation of Board policy, the district **will** take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district **will** promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the district education program or activity. District staff **will** document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer **will** follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 104 or these procedures, or that there are circumstances warranting further action, such matters **will** be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary. (Pol. 113.1, 218, 233, 317, **317.1, 806, 824**)

Disciplinary actions **will** be consistent with Board policies and administrative regulations, the Code of Student Conduct for students, district procedures, applicable collective bargaining agreements and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 317, 317.1)

Appeal Procedure

If the complainant or the respondent is not satisfied with a finding made pursuant to these procedures or with recommended corrective action, they may submit a written appeal to the Compliance Officer within fifteen (15) school days of receiving notification of the outcome of the investigation. If the Compliance Officer investigated the complaint, such appeal **will** be made to the Superintendent.

The individual receiving the appeal **will** 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.

The person handling the appeal **will** prepare a written response to the appeal within

{ } five (5) school days.

{ } ten (10) school days.

{ } twenty (20) school days.

{ } _____ school days.

Copies of the response **will** be provided to the complainant, the respondent and the investigator who conducted the initial investigation.

**GRIEVANCE PROCEDURES FOR COMPLAINTS OF TITLE IX SEX-BASED
DISCRIMINATION AND HARASSMENT**

{ } AND OTHER FORMS OF DISCRIMINATION AND HARASSMENT

***[NOTE: SELECT THE FOLLOWING TWO OPTIONS IF THE DISTRICT MAINTAINS
SEPARATE PROCESSES TO ADDRESS:***

- 1. GRIEVANCE PROCEDURES FOR TITLE IX COMPLAINTS***
- 2. COMPLAINTS ADDRESSING OTHER TYPES OF DISCRIMINATION OR
HARASSMENT]***

***{ } The Title IX sex-based discrimination and harassment grievance procedures prescribed in
this attachment apply only when a complaint includes allegations of sex-based discrimination
or harassment, including retaliation, subject to Title IX regulations. (34 CFR 106.44, 106.45)***

***{ } All other reports or complaints of discrimination, harassment or retaliation will follow the
Discrimination Complaint Procedures attached to Policy 104.***

***[NOTE: SELECT THE OPTION BELOW IF THE DISTRICT FOLLOWS THE SAME
PROCESS FOR ALL REPORTS OF DISCRIMINATION/HARASSMENT AND TITLE IX
SEX-BASED DISCRIMINATION AND HARASSMENT.]***

***{ } All reports or complaints of discrimination and harassment, including retaliation, whether
the conduct falls under Title IX sex-based discrimination and harassment or not, will be
handled in accordance with the Grievance Procedures prescribed in this attachment.***

General Provisions

**If the district has knowledge of conduct that reasonably may constitute Title IX sex-based
discrimination or harassment**

{ }, or other forms of discrimination or harassment,

in its education program or activity, it must respond promptly and effectively.

**If a student is identified as a party in a report, parents/guardians have the right to act on
behalf of the student at any time. (Pol. 103)**

**The district requires that the Title IX Coordinator, investigator and decision-maker be free
from any conflict of interest or bias for or against complainants or respondents generally
or an individual complainant or respondent.**

As long as there is no conflict of interest or bias, the decision-maker may be the same person as the Title IX Coordinator or investigator during the grievance procedures; however, the facilitator for an informal resolution process must not be the same person designated as the investigator or decision-maker for the grievance procedures.

The district will treat all complainants and respondents equitably.

The district will assume that the respondent is not responsible for the alleged conduct until a determination is made at the conclusion of the informal resolution process or grievance procedures.

Definitions

Exculpatory evidence means evidence tending to exonerate the accused or helps to establish their innocence.

Inculpatory evidence means evidence tending to incriminate the accused or indicate their guilt.

Impermissible evidence means evidence, and questions seeking such evidence, that will not be accessed or considered, except by the district to determine whether one (1) of the exceptions listed below applies; will not be disclosed; and will not otherwise be used, regardless of relevance:

- 1. Evidence that is protected under a privilege as recognized by federal or state law or regulations, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.**
- 2. A party's or witness's records that are made or maintained by a physician, psychologist or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in the district's grievance procedures.**
- 3. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.**

Relevant means related to the allegations under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged conduct occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged conduct occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person the district identifies as having had their equal access to the district's education program or activity limited or denied by sex-based discrimination or harassment.

{ }, or other forms of discrimination or harassment.

These measures are provided to restore or preserve that person's access to the district's education program or activity after the district determines that sex-based discrimination or harassment

{ }, or other forms of discrimination or harassment,

occurred.

General Reporting

A report of Title IX sex-based discrimination or harassment

{ }, or other forms of discrimination or harassment,

may be made using the Discrimination/**Harassment**/Retaliation Report Form or by making a general report **orally** or in writing to the building principal, or by using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's **oral** or written report. Upon receipt of a report, school staff **will** immediately notify the **Title IX Coordinator**.

A report may be made at any time, including during nonbusiness hours. **Oral** reports **will** be documented by the Title IX Coordinator or employee receiving the report using the Discrimination/**Harassment**/Retaliation Report Form, and these procedures **will** be implemented appropriately.

An employee serving in a supervisory position who suspects or is notified that a district employee may have been subject to conduct that constitutes a violation of this policy will immediately report the incident to the Title IX Coordinator.

All reports and complaints received by the building principal **will** be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator **will** use the Discrimination/**Harassment**/Retaliation Report Form to gather additional information from the reporter and/or other parties identified in the report.

The Title IX Coordinator **will** promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator **will** consider the complainant's wishes with respect to supportive measures **and reasonable safety concerns**.

The Title IX Coordinator **will** initially assess whether the reported conduct:

1. Meets the definition of Title IX **sex-based discrimination or harassment**.
{ }, or other forms of discrimination or harassment.
2. Involves other Board policies or the Code of Student Conduct.
3. Indicates, based on an individualized safety and risk analysis, that there is an **imminent and serious** threat to the physical health or safety of an individual.
4. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. (Pol. 103.1, 113, **113.1, 113.2, 113.3**)

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX **sex-based discrimination or harassment**,

{ }, or other forms of discrimination or harassment,

but the matter merits review and possible action under other Board policies, the Code of Student Conduct **or complaint procedures**, then the Title IX Coordinator **will** redirect the report to the appropriate administrator to address the allegations. (Pol. 103, 103.1, **104**, 113.1, 218, 317, 317.1, **906**)

If the result of the initial assessment determines that the allegations may constitute Title IX **sex-based discrimination or harassment**,

{ } or other forms of discrimination or harassment,

the Title IX Coordinator **will** promptly explain to the complainant the process for filing a **complaint** and inform the complainant of the continued availability of supportive measures with or without the filing of a **complaint**.

Filing a Complaint

Individuals specified below may request that the district investigate and make a determination about alleged conduct.

***Sex-based discrimination, including sex-based harassment* – The following individuals may request that the district investigate and make a determination about the alleged discrimination under Title IX:**

1. A complainant, which means:
 - a. A district student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - b. A person other than a district student or employee who is alleged to have been subjected to conduct that could constitute sex-based discrimination under Title IX at a time when that individual was participating or attempting to participate in a district education program or activity.
2. A parent/guardian or other authorized legal representative with the legal right to act on behalf of a student complainant; or
3. The Title IX Coordinator, after conducting a fact-based assessment in accordance with law.

Sex-Based Harassment - Individuals themselves who are alleged to have been subjected to the sex-based harassment, those who have a legal right to act on behalf of such individual, or the Title IX Coordinator may initiate the complaint.

Title IX Sex-Based Discrimination Other Than Sex-Based Harassment – In addition to the individuals listed above, the following individuals have a right to make a complaint:

1. Any district student or employee; or
2. Any person other than a student or employee who was participating or attempting to participate in a district education program or activity at the time of the alleged sex discrimination.

{ } Other Forms of Discrimination – An employee who is alleged to have been subjected to conduct that could constitute discrimination or harassment, or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination or harassment and who was participating or attempting to participate in a district education program or activity at the time of the alleged discrimination or harassment.

District Actions

The measures identified below may be enforced by the district at any time, as deemed necessary, including during the reporting, complaint or grievance procedures steps.

Supportive Measures -

The district must offer and coordinate supportive measures, as appropriate. Supportive measures offered by the district may not be imposed for punitive or disciplinary purposes.

For allegations of sex-based discrimination other than sex-based harassment or retaliation, the district's provision of supportive measures does not require the district, its employee or any other person authorized by the district to provide an aid, benefit or service to alter the alleged discriminatory conduct for the purposes of providing a supportive measure.

For example, if a teacher makes a complaint of alleged sex-based discrimination based on classroom assignments because they believe the assignments have been made to give individuals of the opposite sex an advantage, the district is not required to provide a supportive measure that grants the complainant their requested classroom unless a determination is made at the conclusion of the grievance procedures that discrimination has occurred and remedies are needed to address the discrimination. Other supportive measures may be provided during the grievance procedures. However, if a teacher makes a complaint of alleged sex-based harassment based on conduct of the teacher in the neighboring classroom, the district may need to change the complainant's classroom assignment to a requested classroom in a different location as a supportive measure, in order to halt the conduct during the process of the grievance procedures.

The district may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or informal resolution process. The complainant or respondent may seek an appeal of decisions regarding supportive measures from an appropriate and impartial employee other than the employee who made the initial decision. The employee considering the appeal must have authority to modify or reverse the decision regarding supportive measures, and determine whether the decision to provide, deny, modify or terminate the supportive measure is inconsistent with the definition of supportive measures.

The district will provide a party with the opportunity to seek modification or termination of supportive measures applicable to them if circumstances materially change.

When a party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator **will** notify the Director of Special Education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented. (Pol. 113, 113.1, 113.2, 113.3)

Confidentiality –

Confidentiality regarding the supportive measures offered and the identity of the following individuals **will** be maintained, except as **necessary to provide the supportive measure or restore or preserve a party's access to a district education program or activity, or as** permitted by law or regulations: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.4, 216, 324)

1. Individuals making a report or **complaint**.
2. Complainant(s).

3. Respondent(s).

4. Witnesses.

Reasonable Accommodations –

Throughout the **grievance procedures**, the district **will** make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for **all parties, as well as reasonable accommodations for pregnancy, childbirth or pregnancy-related medical conditions**, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 104, 113, 906)

Employee Disciplinary Procedures When Reports Allege Title IX Sex-Based Discrimination or Harassment -

When reports allege Title IX **sex-based discrimination or** harassment, disciplinary sanctions may not be imposed until the completion of the grievance **procedures**. The district **will** presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance **procedures**.

Administrative Leave –

When an employee, based on an individualized safety and risk analysis, poses an **imminent and serious** threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis. **The employee will be provided with notice and provided an opportunity to challenge the emergency removal immediately following the removal.**

An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance **procedures**, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.

Required Reporting Under Other Policies -

In addition to implementing the **grievance** procedures, the Title IX Coordinator **will** ensure that reported conduct which meets the definition of other laws, regulations or Board policies is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the **school safety and security provisions of the PA School Code**, reports of educator misconduct, threats or reports of suspected child abuse. (Pol. 317, 317.1, 805.1, 806, 824)

Timeframes

Reasonably prompt timeframes **will** be established for the conclusion of the grievance **procedures**, including timeframes for the **evaluation, investigation, determination and** informal resolution process and timeframes for filing and resolving appeals.

The established timeframes may be adjusted to allow for a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action **will** be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party or a witness.
2. **Request from law enforcement or child welfare agency.**
3. Need for language assistance or accommodation of disabilities, **including pregnancy, childbirth or pregnancy-related medical conditions.**

Dismissal of Complaints

Complaints may be dismissed, if at any time during the investigation or determination:

1. **The district is unable to identify the respondent after taking reasonable steps to do so.**
2. A complainant provides **voluntary** written notification of withdrawal of any **or all** allegations **in the complaint, the Title IX Coordinator declines to initiate a complaint, and the district determines that, without the complainant's withdrawn allegations, the alleged conduct that remains in the complaint, if any, would not constitute sex-based discrimination,**

{ }, or other forms of discrimination,

even if proven.
3. **After the district makes reasonable efforts to clarify the allegations with the complainant, the district determines that the alleged conduct, even if proven, would not constitute sex-based discrimination or harassment.**

{ }, or other forms of discrimination or harassment.
4. The respondent is **not participating in a district education program or activity or** employed by the district.

Upon dismissal, the district will promptly notify the complainant, in writing, of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the district will also promptly notify the respondent, in writing, of the dismissal and the basis for the dismissal, either following notification to the complainant or simultaneously.

Written notification **will** state whether the allegations will continue to be addressed pursuant to other Board policies, the Code of Student Conduct or **complaint processes**.

When a complaint is dismissed, the district will, at a minimum:

- 1. Offer supportive measures to the complainant and respondent, as appropriate.**
- 2. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that the conduct does not continue or recur within the district's education program or activity.**

Appeals of Dismissal -

The district will notify the complainant and respondent, if the respondent has already been notified of the allegations, that the dismissal may be appealed on the following bases:

- 1. Procedural irregularity that would change the outcome of the matter.**
- 2. New evidence that would change the outcome and that was not reasonably available when the dismissal decision was made.**
- 3. The Title IX Coordinator, investigator or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.**

Written notice of a party's appeal of the dismissal must be submitted to the Title IX Coordinator within

{ } five (5) school days

{ } ten (10) school days

{ } _____ school days

after the date the notice of dismissal is provided. Notice of appeal must include a brief statement describing the basis for the appeal.

If the dismissal is appealed, the district will:

1. **Notify the parties of any appeal, including notice of the allegation, if notice was not previously provided to the respondent;**
2. **Implement the appeal procedures equally for the parties;**
3. **Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;**
4. **Ensure that the decision-maker for the appeal has been appropriately trained;**
5. **Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and**
6. **Notify the parties of the appeal and the rationale for the result, within**
{ } five (5) school days.
{ } ten (10) school days.
{ } _____ school days.

Consolidation of Complaints

The district may consolidate **complaints** against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of **sex-based discrimination or harassment**

{ }, or other forms of discrimination or harassment,

arise out of the same facts or circumstances.

Complaint

The district is required to initiate the grievance **procedures in this document** when a complainant files a complaint **based on Title IX sex-based discrimination or harassment.**

{ }, or other forms of discrimination or harassment.

The Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are not a sufficient response to alleged behavior, or when **the grievance procedures are** necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is a supervisor, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate **grievance procedures**. Only the Title IX Coordinator is authorized to initiate the **grievance procedures**

despite a complainant's wishes, but the Title IX Coordinator may consult with the school solicitor and other district officials in making this decision. **The Title IX Coordinator's assessment of whether to initiate the grievance procedures despite the complainant's wishes must be fact-specific and address the considerations outlined in the Discrimination/Harassment/Retaliation Report Form.**

The complainant or the Title IX Coordinator **will** use the designated section of the Discrimination/**Harassment**/Retaliation Report Form to file or sign a **complaint**.

The Title IX Coordinator **will** assess whether the investigation should be conducted by the building principal, another district employee, the Title IX Coordinator or an attorney and **will** promptly assign the investigation to that individual. **The individual assigned to investigate the complaint must not be an employee supervised by the respondent or the complainant.**

The Title IX Coordinator, investigator, decision-maker or any individual designated to facilitate the informal resolution process, each must have completed the required training for such roles as designated in Board policy and **will** not have a conflict of interest or bias for or against an individual complainant or respondent, or for or against complainants or respondents in general.

{ } When investigating conduct that may be considered discriminatory harassment, other than sex-based harassment, and whether the harassment was objectively hostile, the investigator should review the conduct in its social context, from the perspective of a reasonable person of the complainant's protected class. For example, if investigating conduct related to harassment on the basis of race, the harassment should be evaluated from the perspective of a reasonable person of that same race.

The respondent **will** be presumed not responsible for the alleged conduct until a determination regarding responsibility has been made at the conclusion of the grievance **procedures**.

Notice Requirements -

Upon receipt of a **complaint**, or when the Title IX Coordinator signs a **complaint** to initiate the grievance **procedures**, the Title IX Coordinator **will** provide written notice to all known parties, and the parents/guardians **or other authorized legal representatives** of known parties, if applicable, providing the following information:

1. Notice of the district's grievance **procedures** and any informal resolution process that may be available.
2. Notice of the allegations, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - a. The identity of the parties involved, if known.
 - b. The conduct allegedly constituting **sex-based discrimination or** harassment.

{ }, or other forms of discrimination or harassment.

c. The date and location of the alleged incident(s), if known.

3. **A statement that retaliation is prohibited.**
4. **A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, upon request.**
5. A statement that a determination regarding responsibility **will** be made at the conclusion of the grievance **procedures** and, until that time, the respondent is presumed not responsible for the alleged conduct.
6. Notice that Board policy and the district's Code of Student Conduct prohibit knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints.

The district will not discipline a party, witness or other individual participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on a determination of whether sex-based discrimination or harassment occurred.

7. Notice to all known parties of any additional allegations that the district decides to investigate during the course of the investigation.

Informal Resolution Process

[Note: The informal resolution process cannot be offered or used to facilitate a resolution for any complaint where the allegations state that an employee engaged in sex-based harassment of a student, or if the process would conflict with federal, state or local law.]

At any time after a complaint has been filed, but prior to reaching a determination of responsibility, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process, which does not involve a full investigation and adjudication of the **complaint**.

The district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of **complaints**. Similarly, a district may not require **or pressure** the parties to participate in an informal resolution process.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services such as an Employee Assistance Program or supportive measures.

The facilitator for the informal resolution process must not be the same person as the investigator or the decision-maker in the grievance procedures, must have received the required training in accordance with Board policy and must not have a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent.

When offering an informal resolution process, the Title IX Coordinator **will**:

1. Provide the parties a written notice disclosing the following:
 - a. The allegations.
 - b. The requirements of the informal resolution process, **including** that 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 **procedures**.
 - c. **That the parties' agreement to a resolution at the conclusion of the informal resolution process precludes the parties from initiating or resuming grievance procedures arising from the same allegations.**
 - d. **The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties. Other terms of an informal resolution agreement may include restrictions on contact and restrictions on the respondent's participation in one or more of the district's programs or activities or attendance at specific events, including restrictions the district could have imposed as remedies or disciplinary sanctions had the district determined at the end of the grievance procedures the alleged conduct occurred.**
 - e. Any consequences resulting from participating in the informal resolution process, including the records **and information** that will be maintained **and whether and how such records and information** could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties **will** be informed of the rights being waived by agreeing to the informal resolution process, and **will** acknowledge such agreement in writing.
3. The informal resolution process **will** be conducted within
 - { } five (5) school days
 - { } ten (10) school days
 - { } twenty (20) school days
 - { } _____ school days

of the parties' signed agreement for the informal resolution process.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal resolution process **will** document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within

{ } ten (10) school days

{ } twenty (20) school days

{ } _____ school days

after the complaint is resolved in this manner, the Title IX Coordinator **will** contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator **will** document the informal resolution process, responses from all parties, and an explanation of why the district's response was not deliberately indifferent to the reported complaint **of sex-based discrimination or harassment.**

{ }, **or other forms of discrimination or harassment.**

*If the Informal Resolution Process results in the final resolution of the complaint, the following steps are not required.

GRIEVANCE PROCEDURES

Investigation

The district must provide an adequate, reliable and impartial investigation of complaints.

The designated investigator, if other than the Title IX Coordinator, **will** work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation, **and to document the evidence throughout each stage of the investigation.**

When investigating a **complaint**, the investigator **will**:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a **determination**. During the process of gathering evidence, unless the district obtains the voluntary, written consent of the party, or the party's parent/guardian **or other authorized legal representative** when legally required, the district cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or

assisting in that capacity, and which are made and maintained in connection with providing treatment to the party. (For students - Pol. 113.4, 207, 209, 216; Safe2Say Something Procedures)

2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence **that is relevant and not otherwise impermissible.**
3. Objectively evaluate all **evidence gathered through the investigation**, including inculpatory and exculpatory evidence, **and determine what evidence is relevant and what evidence is impermissible regardless of relevance. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as sex-based discrimination or harassment**

{ }, or other discrimination or harassment

in school settings.

4. **Inform all parties and witnesses of the requirements for confidentiality and prohibition against retaliation for anyone's participation in the investigation process, and that conduct believed to be retaliatory should be reported to the Title IX Coordinator.**
5. **Provide each party with an equal opportunity to access the evidence that is relevant to the allegations and not otherwise impermissible, in the following manner:**
 - a. **Provide each party with an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the district provides a description of the evidence, the district must further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;**
 - b. **The district must provide a reasonable opportunity to respond to the evidence or to the accurate description of the evidence; and**
 - c. **The district must take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint are authorized.**

During the investigation, the parties and witnesses will be questioned to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more of the allegations. Where the investigator has interviewed a party or witness and the investigator is also serving as the decision-maker, credibility evaluation

is inherent in the process of conducting the interview. In situations where credibility determinations are required from a decision-maker who did not interview a party or witness, the Title IX Coordinator will facilitate an opportunity for the decision-maker to conduct an interview as part of the decision-maker's process of engaging with the evidence resulting from the investigation. In considering evidence, the decision-maker will ensure credibility determinations are not based on an individual's status as a complainant, respondent or witness.

If at any point the investigation expands to include additional allegations that were not included in the initial notice **of allegations**, the investigator **will** alert the Title IX Coordinator. The Title IX Coordinator **will** provide written notice of the new allegations to the known parties.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator **will** promptly notify the Title IX Coordinator, who **will** promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Board policy. (Pol. 218, 317.1, 805.1, 806)

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

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX **sex-based discrimination or harassment**

{ }, or other discrimination or harassment,

may be identified as part of the same incident or set of circumstances. The fact that there may be Title IX **sex-based discrimination or harassment**

{ }, or other discrimination or harassment,

involved does not preclude the district from addressing other identified violations of Board policy or the Code of Student Conduct. If such other conduct is being investigated and addressed together **as part of the grievance procedures**, disciplinary action normally should not be imposed until the completion of the **grievance procedures**; however, an employee may be placed on administrative leave in accordance with the provisions of this **document and Board policy**. A decision whether and when to take disciplinary action should be made in consultation with the school solicitor.

The investigation stage **will** be concluded within

{ } twenty (20) school days.

{ } thirty (30) school days.

{ } _____ school days.

Determination and District Action

The district will designate a decision-maker, who may be the same person as the Title IX Coordinator or investigator. The decision-maker must be free from any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and must have received training in accordance with Board policy.

Following the investigation and evaluation of all relevant and not otherwise impermissible evidence, the decision-maker must issue a **determination for the **alleged** conduct. To reach this determination, the decision-maker **will** apply the preponderance of the evidence standard, meaning that the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party, or which shows that the fact to be proven is more probable than not. **This standard requires the decision-maker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness; if the decision-maker is not persuaded under the preponderance of the evidence standard that the alleged conduct occurred, whatever the quantity of the evidence is, the decision-maker must not determine that the alleged conduct occurred.****

The district will provide written notification to the parties of the determination as to whether the alleged conduct occurred, including the rationale for the determination and the procedures and permissible bases for the appeal, if applicable.

If there is a determination that the alleged conduct occurred, as appropriate, the Title IX Coordinator is required to:

- 1. Coordinate the provision and implementation of remedies to a complainant and other persons the district identifies as having had equal access to the district's education program or activity limited or denied by such conduct.**
- 2. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any disciplinary sanctions, in accordance with applicable law, regulations and Board policy. (Pol. 113.1, 218, 317, 317.1)**
- 3. Take other appropriate prompt and effective steps to ensure that the conduct does not continue or recur within the district's education program or activity.**

Appeal Process

The district must offer both parties the right to appeal a determination of responsibility **or** any allegation in the **complaint**.

The appeal may be based on the following:

1. Procedural irregularity that **would change** the outcome of the matter.
2. New evidence that **is not otherwise impermissible that would change** the outcome **and that** was not reasonably available **when the decision** was made.
3. The Title IX Coordinator, investigator or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that **would change the outcome**.

Written notice of a party's appeal **must** be submitted to the Title IX Coordinator within

{ } five (5) school days

{ } ten (10) school days

{ } _____ school days

after the date the **determination is provided to the parties**. Notice of appeal **must** include a brief statement describing the basis for the appeal.

If the determination is appealed, the district will:

1. **Notify the parties of any appeal.**
2. **Implement the appeal procedures equally for the parties;**
3. **Ensure that the decision-maker for the appeal did not take part in the investigation of the allegations of the complaint;**
4. **Ensure that the decision-maker for the appeal has been appropriately trained; and**
5. **Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome.**

The decision-maker for the appeal will review the investigation and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The district will notify the parties of the rationale for the result of the appeal within

{ } five (5) school days.

{ } ten (10) school days.

{ } twenty (20) school days.

{ } _____ school days.

Disciplinary Action

Following the issuance of the determination and any applicable appeal, any disciplinary action specified in the determination or appeal decision must be consistent with Board policies and administrative regulations, the Code of Student Conduct, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations. **(Pol. 113.1, 113.2, 218, 233, 317, 317.1)**

The district will not discipline a party, witness or other individual participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on a determination of whether sex-based discrimination or harassment occurred.

Recordkeeping

The district **must** maintain the following records **for** a minimum of seven (7) years after conclusion of procedures and implementation of disciplinary sanctions and/or remedies, or in the case of a complainant or respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation:

1. **Each notification the Title IX Coordinator receives of information about conduct that may reasonably constitute sex-based discrimination or harassment,**

{ } or other forms of discrimination or harassment,

including required notifications.
2. **Each investigation,** including any **determination** and disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity.
3. Any appeal and the result.
4. Any informal resolution and the result.

5. All materials used to **provide the required training.**
6. Records of any district actions, including any supportive measures, taken in response to a report or **complaint**. In each instance, the district **will** document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity. If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.



Book	Policy Manual
Section	100 Programs
Title	Curriculum
Code	105
Status	Active
Adopted	May 15, 2006
Last Revised	November 17, 2014

Purpose

The Board recognizes its responsibility for the development, assessment and improvement of the educational program of the schools. To this end, the curriculum shall be evaluated, developed and modified on a continuing basis and in accordance with a plan for curriculum improvement.[\[1\]](#)

Definition

For purposes of this policy, **curriculum** shall be defined as a series of planned instruction aligned with established academic standards in each subject that is coordinated, articulated and implemented in a manner designed to result in the achievement of academic standards at the proficient level by all students.[\[2\]](#)[\[3\]](#)[\[4\]](#)

Authority

The Board shall be responsible for the curriculum of the district's schools. The curriculum shall be designed to provide students the opportunity to achieve the academic standards established by the Board. Attaining the academic standards requires students to demonstrate the acquisition and application of knowledge.[\[1\]](#)[\[3\]](#)[\[4\]](#)

In order to provide a quality educational program for district students, the Board shall adopt a curriculum plan that includes the requirements for courses to be taught; subjects to be taught in the English language; courses adapted to the age, development and needs of students; and strategies for assisting those students having difficulty attaining the academic standards.[\[5\]](#)[\[6\]](#)[\[1\]](#)[\[3\]](#)[\[7\]](#)[\[8\]](#)

Guidelines

The district's curriculum shall provide the following:

1. Continuous learning through effective collaboration among the schools of this district.
2. Continuous access for all students to sufficient programs and services of a library/media facility and classroom collection to support the educational program.[\[9\]](#)
3. Guidance and counseling services for all students to assist in career and academic planning.[\[10\]](#)
4. A continuum of educational programs and services for all students with disabilities, pursuant to law and regulation.[\[11\]](#)
5. Limited English Proficiency programs for students whose dominant language is not English, pursuant to law and regulation.[\[12\]](#)[\[13\]](#)
6. Compensatory education programs for students, pursuant to law and regulation.

7. Equal educational opportunity for all students, pursuant to law and regulation.[14][15]
8. Career awareness and vocational education, pursuant to law and regulation.[16]
9. Educational opportunities for identified gifted students, pursuant to law and regulation.[17]
10. Regular and continuous instruction in required safety procedures.[18]

Delegation of Responsibility

As the educational leader of the district, the Superintendent shall be responsible to the Board for the district's curriculum. S/He shall establish procedures for curriculum development, evaluation and modification, which ensure the utilization of available resources, and effective participation of administrators, teaching staff members, students, community members, and Board members.[1]

A listing of all curriculum materials shall be made available for the information of parents/guardians, students, staff and Board members.[1][19]

With prior Board approval, the Superintendent may conduct pilot programs as deemed necessary to the continuing improvement of the instructional program. The Superintendent shall report periodically to the Board on the status of each pilot program, along with its objectives, evaluative criteria, and costs.

The Board encourages, where it is feasible and in the best interest of district students, participation in state-initiated pilot programs of educational research.

The Board directs the Superintendent to pursue actively state and federal aid in support of research activities.

Legal

[1. 22 PA Code 4.4](#)

[2. 22 PA Code 4.3](#)

[3. 22 PA Code 4.12](#)

4. Pol. 102

[5. 24 P.S. 1511](#)

[6. 24 P.S. 1512](#)

7. Pol. 107

8. Pol. 127

9. Pol. 109

10. Pol. 112

11. Pol. 113

[12. 22 PA Code 4.26](#)

13. Pol. 138

14. Pol. 103

15. Pol. 103.1

16. Pol. 115

17. Pol. 114

18. Pol. 805

19. Pol. 105.1

[22 PA Code 4.21](#)

[22 PA Code 4.22](#)

[22 PA Code 4.23](#)

[22 PA Code 4.25](#)

[22 PA Code 4.27](#)

[22 PA Code 4.29](#)

[22 PA Code 4.82](#)

Pol. 100

Pol. 106

Pol. 116



Book	Policy Manual
Section	100 Programs
Title	Review of Instructional Materials by Parents/Guardians and Students
Code	105.1
Status	Active
Adopted	May 15, 2006
Last Revised	November 17, 2014

Authority

The Board adopts this policy to ensure that parents/guardians and students have an opportunity to review instructional materials and have access to information about the curriculum, including academic standards to be achieved, instructional materials and assessment techniques.[\[1\]](#)[\[2\]](#)

Definition

Instructional material means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). For purposes of this policy, the term does not include academic tests or academic assessments.[\[2\]](#)

Guidelines

Upon request by a parent/guardian or student, the district will make available existing information about the curriculum, including academic standards to be achieved, instructional materials and assessment techniques.[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

The following conditions shall apply to any request:

1. To assist the school district in providing the correct records to meet the needs of the requesting party, the request must be in writing, setting forth the specific material being sought for review.
 2. The written request will be sent to the building principal.
 3. The district will respond to the parent/guardian or student within ten (10) school days by designating the time and location for the review.
 4. The district may take necessary action to protect its materials from loss, damage or alteration and to ensure the integrity of the files, including the provision of a designated employee to monitor the review of the materials.
 5. No parent/guardian or student shall be permitted to remove the material provided for review or photocopy the contents of such file. The taking of notes by parents/guardians and students is permitted.
- No more than one (1) request per semester may be made by any parent/guardian or student for each enrolled child.

Under federal law, the rights provided to parents/guardians to inspect any instructional materials used as part of the student's educational curriculum transfer to the student when the student turns eighteen (18) years old or is an emancipated minor. These rights do not transfer under state law; therefore, parents/guardians retain their rights to access information about the curriculum and to review instructional materials.[\[1\]](#)[\[2\]](#)

Delegation of Responsibility

The Superintendent or designee shall notify parents/guardians and students of this policy and its availability. This notification shall be given at least annually, at the beginning of each school year, and within a reasonable time after any substantive changes regarding the contents of this policy.[\[2\]](#)

Legal

[1. 22 PA Code 4.4](#)

[2. 20 U.S.C. 1232h](#)

3. Pol. 102

4. Pol. 105

5. Pol. 127

[22 PA Code 403.1](#)

Pol. 235



Book	Policy Manual
Section	100 Programs
Title	Exemption From Instruction
Code	105.2
Status	Active
Adopted	May 15, 2006

Authority

The Board adopts this policy to ensure that parents/guardians have the right to have their children excused from specific instruction that conflicts with their religious beliefs.[\[1\]](#)[\[2\]](#)

Guidelines

The rights granted by this policy are granted to parents/guardians of students enrolled in this district when the students are under the age of eighteen (18) and to the students themselves when the student is eighteen (18) or over.

The district shall excuse any student from specific instruction, subject to the following conditions:

1. To assist the school district in ensuring that the student is excused from the correct specific instruction, the request must be made in writing and must detail the specific instruction from which the student is to be excused.
2. The written request to be excused shall be sent by the parent/guardian or student to the building principal.

One (1) copy of the request shall be retained in the student's permanent school records, one (1) copy kept by the school principal, and one (1) copy submitted to the teacher from whose instruction the student is to be excused.
3. It shall not be the responsibility of the district or any of its employees to ensure that the student exercises his/her right to be excused in accordance with a parental request. It shall be the responsibility of the student to request permission to leave class when the specific instruction objected to is presented. When the student seeks to be excused, the teacher shall excuse the student if the teacher or principal has a copy of the written request and the written request adequately describes the specific instruction.
4. The written request must contain a statement that the specific instruction described conflicts with the religious beliefs of the student or of the parents/guardians.
5. The parent/guardian and/or student may request suggested replacement educational activities. The only permissible educational activity for this purpose shall be in the nature of replacement instruction that is consistent with the learning objectives set for the course and does not require the provision of any extra resources by the district.
6. The building principal shall determine where the student shall report during the time the student is excused.
7. All students excused from specific instruction shall be required to achieve the academic standards established by the district as necessary for graduation.[\[3\]](#)[\[4\]](#)

[1. 22 PA Code 4.4](#)

[2. 22 PA Code 11.7](#)

3. Pol. 102

4. Pol. 217



Book	Policy Manual
Section	100 Programs
Title	Guides for Planned Instruction
Code	106
Status	Active
Adopted	May 15, 2006
Last Revised	November 17, 2014

Authority

Guides shall be prepared for all planned instruction adopted by the Board in order to direct and assist the professional staff toward the attainment of academic standards established for a course of study.[\[1\]](#)[\[2\]](#)

Guidelines

Each guide may contain, as appropriate to that planned instruction:

1. Objectives of the instruction.
2. Concepts and skills to be taught.
3. Appreciations to be developed.
4. Suggested activities designed to achieve the objectives.
5. Suggested methods of instruction.
6. Assessment criteria and methods intended to evaluate the extent to which learning objectives have been achieved.

Delegation of Responsibility

Each teaching staff member shall conduct the assigned planned instruction in accordance with the guide. Any deviation from its content must be approved in advance by the principal or designee.

Each teacher shall use the planned instruction guide as the core of the course s/he has been assigned to teach.

The Superintendent or designee shall be responsible for the preparation of guides, and shall develop administrative regulations for such preparation which include:

1. Participation by appropriate staff members and resource personnel.
2. Continuing research in instructional methods, materials, activities and assessment strategies.
3. Systematic review of all guides to ensure their continuing effectiveness in achieving established academic standards.

A system of administrative review shall be implemented to ensure that guides are being followed by teaching staff members to the degree of conformity required.

Copies of all current guides for planned instruction shall be kept on file in the office of the Superintendent.

2. Pol. 107

[24 P.S. 1511](#)

[24 P.S. 1512](#)

[22 PA Code 4.11](#)

Pol. 000



Book	Policy Manual
Section	100 Programs
Title	Adoption of Planned Instruction
Code	107
Status	Active
Adopted	May 15, 2006
Last Revised	November 17, 2014

Purpose

The Board shall provide a comprehensive program of planned instruction to enable district students to achieve educational objectives and attain academic standards required for student achievement. Planned instruction shall consist of at least the following:[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

1. Objectives to be achieved by all students.
2. Content, including materials, activities and instructional time.
3. Relationship between objectives of a planned course and established academic standards.
4. Procedure for measurement of attainment of objectives and academic standards.

Authority

No planned instruction shall be taught in district schools unless it has been adopted by a majority vote of the full Board.[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)

Delegation of Responsibility

The Superintendent shall be responsible for continuous evaluation of the effectiveness of the district's planned instruction and shall recommend to the Board new and altered planned instruction deemed to be in the best interests of district students.

The Superintendent shall invite the participation of administrative and professional staff members at appropriate levels in the formulation of recommendations.

The Superintendent shall maintain a current list of all planned instruction offered by this district and shall furnish each Board member with a copy.

The Superintendent shall annually provide each Board member with a current list of all planned instruction.

Legal	1. 22 PA Code 4.11
	2. 22 PA Code 4.12
	3. Pol. 102
	4. Pol. 105
	5. Pol. 106
	6. 24 P.S. 508
	7. 24 P.S. 1511
	8. 24 P.S. 1512

9. Pol. 006

[24 P.S. 1512.1](#)

Pol. 100



Book	Policy Manual
Section	100 Programs
Title	Adoption of Textbooks
Code	108
Status	Active
Adopted	May 15, 2006
Last Revised	November 17, 2014

Authority

The Board shall, by an affirmative vote of a majority of the full Board, adopt all textbooks used for instruction in the district's educational program. The Board shall establish a planned cycle of textbook review and replacement.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)

Definition

Textbooks shall be defined as the books used as the basic source of information in the planned instruction.

Delegation of Responsibility

The Superintendent shall be responsible for the selection and recommendation of textbooks for Board consideration. No adoption or change of textbooks shall be made without the Superintendent's recommendation, except by a two-thirds vote of the Board.[\[1\]](#)[\[3\]](#)[\[4\]](#)

The Superintendent or designee shall establish administrative regulations for reviewing, evaluating and selecting textbooks.

A list of all approved textbooks used in district schools shall be maintained by the Superintendent or designee and shall be available to Board members, district staff, students, parents/guardians and community members.
[\[5\]](#)

Legal	1. 24 P.S. 508
	2. 24 P.S. 801
	3. 24 P.S. 803
	4. Pol. 006
	5. Pol. 105.1
	24 P.S. 807.1
	Pol. 000
	Pol. 610



Book	Policy Manual
Section	100 Programs
Title	Resource Materials
Code	109
Status	Active
Adopted	May 15, 2006
Last Revised	November 17, 2014

Authority

The Board shall, by an affirmative vote of a majority of the full Board, provide resource materials that implement, support and enrich the educational program of district schools.[\[1\]](#)[\[2\]](#)[\[3\]](#)

Definition

Resource materials shall include nonfiction and fiction books, magazines, reference books, supplementary titles, multimedia and digital materials, software and instructional material.

Delegation of Responsibility

The Superintendent shall be responsible for the recommendation of all resource materials. No adoption or change of materials shall be made without the Superintendent's recommendation, except by a two-thirds vote of the Board.[\[2\]](#)

The Superintendent or designee shall establish administrative regulations for the selection of resource materials.

A list of resource materials provided by the district shall be maintained by the Superintendent and shall be available to Board members, district staff, students, parents/guardians and community members.[\[4\]](#)

Legal	1. 24 P.S. 801
	2. 24 P.S. 803
	3. Pol. 006
	4. Pol. 105.1
	24 P.S. 807.1
	Pol. 000
	Pol. 610



Book	Policy Manual
Section	100 Programs
Title	Resource Materials - Complaint Process
Code	109.1
Status	Active
Adopted	May 15, 2006

Authority

The Board establishes a system for receiving, considering, and acting upon written complaints regarding resource materials used by the district.

Guidelines

All complaints must be presented in writing to the building principal and include the following:

1. The name of the author.
2. Title.
3. The publisher.
4. The objections by pages and items, or written information specifying the precise nature of the objection shall be given.

The statement shall be signed and identified properly.

When a complaint is received by a principal, s/he shall acknowledge the receipt of the complaint and answer any questions regarding procedure. The principal shall then notify the Superintendent and the teachers involved.

The Superintendent shall determine whether the complaint should be considered as an individual request, or if review committees should be activated to reevaluate the material.

Building Level Review Committee

This committee shall be under the direction of the Superintendent and composed of the building principal and four (4) or more members selected by him/her from the district personnel directly involved.

District Level Review Committee

This committee shall be under the direction of the Superintendent and composed of five (5) or more members selected by him/her from the administrative and instructional areas directly involved.

The use of challenged materials by the district shall not be restricted until final disposition has been made by the appropriate review committee, however, individuals may be excused from using challenged materials.

In the deliberations of challenged materials, the review committees shall consider the educational philosophy of the district, the professional opinions of teachers, the teacher's own stated objectives in using the materials, and the objections of the complaint.

The findings of the review committees shall be a matter of written record and transmitted to the Superintendent, who shall determine the procedure to notify interested parties.



Book	Policy Manual
Section	100 Programs
Title	Instructional Supplies
Code	110
Status	Active
Adopted	May 15, 2006

Authority

It shall be the policy of the Board to supply each staff member and student with the supplies and equipment that are deemed necessary for implementation of the approved instructional program.[\[1\]](#)

The Board may require that students provide certain supplies for participation in extracurricular activities.

Guidelines

When individualized and nonreusable clothing or equipment is necessary for reasons of safety or health, students shall be required to provide their own clothing or equipment, which shall meet standards set by the school. Such standards shall be reasonably related to considerations of safety, health and protection of property.[\[2\]](#)

When students prepare useful items they are permitted to keep, they shall pay the district the cost of the materials used.

When policy guidelines impose a financial hardship on a student, the school district will assume the cost. The Superintendent or designee shall implement procedures to assure that no student is denied participation in the school program for financial reasons and to guard the privacy of each student.

Legal [1. 24 P.S. 801](#)
[2. 22 PA Code 12.11](#)



Book	Policy Manual
Section	100 Programs
Title	Lesson Plans
Code	111
Status	Active
Adopted	May 15, 2006

Authority

To ensure continuity of instruction, the Board requires professional staff members to develop and maintain daily lesson plans.[\[1\]](#)

Delegation of Responsibility

To facilitate more effective instruction, lesson plans must be prepared at least three (3) days in advance. Plan books will be inspected and must conform to the guidelines established by the building principal.

Teachers shall make thorough preparation for all daily lessons and shall prepare written plans reflecting such preparation.

Teachers are to provide adequate directions for substitutes, the purpose of which shall be to continue the instructional program or provide a meaningful educational alternative that relates to the subject area.

Plan books must be available to substitute teachers at all times.

Guidelines

Guidelines for implementation of this policy shall include:

1. The format for lesson plans shall be decided at the building level.
2. Lesson plans should reflect various learning styles and modalities.



Book	Policy Manual
Section	100 Programs
Title	Guidance Counseling
Code	112
Status	Active
Adopted	May 15, 2006
Last Revised	November 17, 2014

Purpose

A guidance counseling program is an integral part of the instructional program of district schools. Such a program can:

1. Assist students in achieving their optimum potential.
2. Enable students to significantly benefit from the offerings of the instructional program.
3. Identify intellectual, emotional, social and physical needs.
4. Aid students in recognizing options and making choices in vocational and academic educational planning.
[\[1\]](#)
5. Assist students in identifying career options consistent with their abilities and goals.
6. Help students learn to make their own decisions and to solve problems independently.

Authority

The Board directs that students shall be provided a program of guidance and counseling which involves the coordinated efforts of all staff members, under the professional leadership of certificated guidance and counseling personnel.[\[1\]](#)[\[2\]](#)

Delegation of Responsibility

The Superintendent or designee is directed to implement and maintain a guidance program that serves the needs of students.

Guidelines

The district's program of guidance counseling shall:

1. Be an integral part of the instructional program at all levels of the school district.
2. Involve staff members at every appropriate level.
3. Honor the individuality of each student.
4. Be coordinated with services provided by locally available social and human services agencies.[\[3\]](#)
5. Cooperate with parents/guardians and address their concerns regarding the development of their child.
6. Provide means for sharing information among appropriate staff members in the best interests of the student.[\[4\]](#)

7. Be available equally to all students.[5][6]

8. Establish a referral system that utilizes resources offered by the school and community, guards the privacy of the student, and monitors the effectiveness of such referrals.

Legal

[1. 22 PA Code 4.34](#)

[2. 22 PA Code 12.41](#)

[3. 22 PA Code 12.16](#)

4. Pol. 207

5. Pol. 103

6. Pol. 103.1

Pol. 146



Book	Policy Manual
Section	100 Programs
Title	Special Education
Code	113
Status	Active
Adopted	August 21, 2006

Purpose

Each student with a disability who is a resident of the district shall be provided quality education programs and services that meet the student's needs for educational, instructional, transitional and related services. The special education program shall be designed to comply with law; conform to district goals; and integrate programs of special education with the regular instructional program of the schools, consistent with the interests of the student with a disability and other students.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)

Definition

Students with disabilities who are provided special education programs by the district shall include all resident children who meet the criteria defined by law.[\[5\]](#)[\[6\]](#)

Authority

The Board directs that all resident students with disabilities shall be identified, evaluated, and provided with appropriate educational services, in accordance with federal and state laws and regulations. The district shall establish and implement a system of procedural safeguards and parental notification.[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[2\]](#)[\[11\]](#)[\[17\]](#)

The district's special education plan shall include procedures for identifying and educating students with disabilities and shall be aligned with the Strategic Plan adopted by the Board.[\[12\]](#)[\[13\]](#)

In order to maintain an effective special education plan, the Board may participate in special education programs of Westmoreland Intermediate Unit No. 7.[\[12\]](#)

Delegation of Responsibility

The Superintendent or designee is directed to annually recommend to the Board the necessary contracted programs and services to provide for the needs of students with disabilities.

Guidelines

The program to which each student with a disability is assigned shall be one that provides an appropriate education, seeks to assure success in learning, and offers the least restrictive environment, in accordance with federal and state regulations.

The Board directs that all procedures for implementing an individualized education program be designed to guard the privacy of the student and family.

No student with a disability shall be denied, because of handicap/disability, participation in activities, programs or services offered or recognitions rendered to district students, unless participation is not possible because of the handicap/ disability.[\[9\]](#)[\[8\]](#)[\[16\]](#)

The district shall maintain procedures and processes that implement special education programs and services, in accordance with federal and state laws and regulations, in the following areas: [\[17\]](#)[\[18\]](#)

1. Educational plans.
2. Child find.
3. Assessments.
4. Screening.
5. Evaluation.
6. Reevaluation.
7. Individualized Education Program (IEP).
8. Extended School Year services (ESY).
9. Behavior support.
10. Educational placement.
11. Disciplinary placements.
12. Facilities.
13. Early intervention.
14. Procedural safeguards.
15. Confidentiality of information.

Legal

- [1. 22 PA Code 4.28](#)
- [2. 22 PA Code 12.1](#)
- [3. 22 PA Code 12.4](#)
- [4. 22 PA Code 14.102](#)
- [5. 22 PA Code 14.101](#)
- [6. 34 CFR 300.7](#)
- [7. 20 U.S.C. 1400 et seq](#)
- [8. 29 U.S.C. 794](#)
- [9. 42 U.S.C. 12101 et seq](#)
- [11. 24 P.S. 1372](#)
- [12. 22 PA Code 14.104](#)
13. Pol. 100
16. Pol. 103
- [17. 22 PA Code 14.101 et seq](#)
- [18. 34 CFR 300.4 et seq](#)
- [34 CFR Part 300](#)



Book	Policy Manual
Section	100 Programs
Title	Behavior Support/Discipline of Students with Disabilities
Code	113.1
Status	Active
Adopted	April 16, 2018

Guidelines

When necessary, behavior support programs shall be developed and maintained for students with disabilities in order to promote and strengthen desirable, prosocial behaviors and reduce identified inappropriate behaviors.

Students with disabilities who engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others shall be disciplined in accordance with their Individualized Education Program (IEP), Positive Behavior Support Plan (PBSP), and Board policy.

The Board directs that the district shall comply with provisions of the Individuals With Disabilities Education Act (IDEA), as well as federal and state regulations, when disciplining students with disabilities for violations of Board policy and/or school rules and regulations. No student with a disability shall be expelled if the student's particular misconduct is a manifestation of his/her disability.

The district is responsible for ensuring that behavior support programs are in accordance with 22 Pa. Code Chapter 14, including the training of personnel in the use of specific procedure, methods, and techniques.

Disciplinary Exclusions

A disciplinary exclusion of a student with a disability for more than fifteen (15) cumulative school days in a school year will be considered a pattern so as to be deemed a change in educational placement.

Any removal from school is a change of placement for a student identified with an intellectual disability. Thus, a manifestation determination review must be conducted prior to removing the student.

A student with a disability whose behavior is not a manifestation of his/her disability may be expelled pursuant to school district policies and procedures.

A hearing officer may order removal of a student with a disability to an alternative setting for forty-five (45) days where the school demonstrates by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or others.

Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the district did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation shall be expedited. The district is deemed to have knowledge if:

1. The parent/guardian of the child has expressed concern in writing (or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement) to the school district that the student is in need of special education and related services.
2. The behavior or performance of the child demonstrates the need for such services.
3. The parent/guardian of the child has requested an evaluation of the child.

4. The teacher of the child or other personnel of the school district has expressed concern about the behavior or performance of the child to the director of special education or to other personnel, in accordance with the agency's established Child Find or special education referral system.

Weapons Violations

A student with a disability who carries a weapon to a school district function or program may be removed from his/her current placement. The student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days.

Drugs/Controlled Substances Violations

A student with a disability who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at a school district function or program may be removed from his/her current placement. The student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days.

Positive Behavior Support Plan

Eligible students who exhibit behavior problems that interfere with their ability to learn or the learning of others are required by IDEA to have a Positive Behavior Support Plan. The Positive Behavior Support Plan must meet the requirements specified in IDEA. IDEA states that "in the case of a child whose behavior impedes his/her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior." It is imperative that all of the essential components are included in the Positive Behavior Support Plan. Specifically, a student who meets any of the following criteria should be considered as a candidate for a PBSP. The criteria are:

1. The student's challenging behavior persists despite consistently implemented support strategies that were developed without a comprehensive functional behavior assessment.
2. The student's behavior places the child or others at risk of harm or injury, and/or exclusion and devaluation.
3. The team is considering more intrusive and restrictive procedures and/or a more restrictive placement for the student.

The Positive Behavior Support Plan should provide educators with a framework for building inclusive, proactive classrooms where students are taught to make responsible choices. According to IDEA and the Pennsylvania School Code, the plan must:

1. Focus on positive rather than negative measures.
2. Teach alternative skills to replace inappropriate behavior.
3. Use interventions that are the least intrusive.
4. Avoid the use of aversive techniques, restraints or punishment.
5. Use techniques, procedures and methods for which the staff has been adequately trained.
6. Include a functional behavioral assessment and manifestation determination, as necessary.

The Use of Restraints

Restraints to control acute or episodic aggressive behavior may be used only when the student is acting in a manner as to be a clear and present danger to him/herself, to other students, or to employees and only when less restrictive measures and techniques have been proven to be or are less effective.

Parent(s)/Guardian(s) will be notified and a meeting convened within ten (10) school days (or a written waiver will be completed by the parents/guardians) when a restraint is required.

The use of restraints may not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as a punishment.

The use of restraints to control the aggressive behavior of an individual student shall cause a meeting of the IEP team to review the current IEP for appropriateness and effectiveness. The use of restraints will be used only with positive behavior supports that promote a positive school environment where every child can focus on learning.

Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination and as agreed to by the student's parents/guardians. Mechanical restraints shall prevent a student from injuring him/herself or others or shall promote normative body positioning and physical functioning. Prone restraints are prohibited.

Parental consent is required prior to the use of any highly restraining or intrusive procedures.

Prohibited Techniques for Behavioral Intervention

Positive and appropriate techniques should be used when supporting behavior. Interventions should always begin with the least intrusive techniques. The following aversive techniques of handling behavior are considered inappropriate and may not be used by the district in educational programs:

1. Corporal punishment.
2. Punishment for a manifestation of a student's disability.
3. Locked rooms, locked boxes, or other locked structures or spaces from which the student cannot readily exit.
4. Noxious substances.
5. Deprivation of basic human rights, such as withholding meals, water, or fresh air.
6. Suspension constituting a pattern under 22 Pa. Code 14.143(a).
7. Treatment of a demeaning nature.
8. Electric shock.

Legal

[24 P.S. 510](#)

[24 P.S. 1302.1-A](#)

[24 P.S. 1303-A](#)

[35 P.S. 780-102](#)

[22 PA Code 10.2](#)

[22 PA Code 10.21](#)

[22 PA Code 10.22](#)

[22 PA Code 10.23](#)

[22 PA Code 10.25](#)

[22 PA Code 12.6](#)

[22 PA Code 14.104](#)

[22 PA Code 14.133](#)

[22 PA Code 14.143](#)

[18 U.S.C. 930](#)

[18 U.S.C. 1365](#)

[20 U.S.C. 1400 et seq](#)

[21 U.S.C. 812](#)

[34 CFR Part 300](#)

Pol. 103.1

Pol. 113

Pol. 113.2

Pol. 113.3

Pol. 216

Pol. 218

Pol. 218.1

Pol. 218.2

Pol. 222

Pol. 227

Pol. 233

Pol. 805.1



Book	Policy Manual
Section	100 Programs
Title	Independent Educational Evaluation
Code	113.2
Status	Active
Adopted	March 18, 2013

Authority

1. Parents/Guardians of children with disabilities may have a right to request an Independent Educational Evaluation (IEE) of a child if the parent/guardian disagrees with an evaluation obtained by the public agency. Upon request for an IEE, Kiski Area School District shall provide to parents/guardians information about where an IEE may be obtained and the criteria applicable for an IEE, as set forth in this policy. An IEE shall not be provided at public expense unless it strictly adheres to the requirements set forth in this policy.[\[1\]](#)

Definitions

2. The following definitions shall apply to this policy:
 - a. **Independent Educational Evaluation (IEE)** - an evaluation conducted by a qualified examiner who is not employed by Kiski Area School District.
 - b. **At Public Expense, Publicly-Funded** - Kiski Area School District either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent/guardian.

Delegation of Responsibility

3. The Superintendent and his/her designees shall determine whether a request for an IEE meets the criteria set forth in this policy and whether an IEE shall be funded at public expense.

Guidelines

4. Request For IEE To Be Provided At Public Expense.
 - a. If an Independent Educational Evaluation is requested to be provided at public expense, then the district shall, without unnecessary delay, either file a due process complaint to request a hearing to show that its evaluation is appropriate or ensure that an IEE is provided at public expense.[\[2\]](#)
 - b. A parent/guardian does not have a right to an IEE at public expense prior to the time that Kiski Area School District completes its own evaluation.
 - c. If an IEE has already been conducted and meets the criteria set forth in Sections 2(a) and 6(e) of this policy, and if the parents/guardians request that such IEE be funded at public expense, then the district shall, without unnecessary delay, either file a due process complaint to request a hearing to show that its evaluation is appropriate or ensure that such evaluation is provided at public expense.
 - d. Kiski Area School District reserves the right to ask for the parent's/guardian's reason for objecting to the public evaluation. However, Kiski Area School District shall not require the parent/guardian to provide an explanation and shall not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.
 - e. A parent/guardian is entitled to only one (1) IEE at public expense each time the district conducts an evaluation with which the parent/guardian disagrees.
 - f. Results of a publicly-funded IEE must be shared with the district.

5. Procedure.

A request for an IEE must be made in writing to the Director of Student Support Services. All requests and IEEs must meet the requirements of this policy.

6. Criteria.

a. Kiski Area School District shall consider all Independent Educational Evaluations shared with the district that satisfy the following criteria:

- I. *Qualifications of the Examiner* – An evaluation of a child for autism, emotional disturbance, mental retardation, multiple disabilities, specific learning disability or traumatic brain injury must be done by a school psychologist certified in the state of Pennsylvania or, where necessary, a licensed physician or psychiatrist who is qualified in evaluating and diagnosing the student's specific disability or impairment. An evaluation for other disabilities (i.e., speech and language) must be done by a person licensed or certified to conduct and interpret assessments of the area(s) of concern. The district reserves the right to request and obtain the credentials of the evaluator.
- II. *Distance of Examiner from District* – If the IEE is at public expense, it must be conducted within a 90-mile radius of the district unless justifying circumstances exist and an explanation of such is submitted to the district in writing, as per Section 6g of this policy.
- III. *Cost Containment* – If the IEE is at public expense, it shall not exceed \$2,500.00 unless justifying circumstances exist and an explanation of such is submitted to the district in writing, as per Section 6g of this policy.
- IV. *Timeline for Evaluation* – The IEE must be completed within sixty (60) calendar days of receiving parental consent for the evaluation.
- V. The evaluator must review existing evaluation data on the child, including input from the child's teachers and parents/guardians. The evaluation must contain a list of the specific information/data that the evaluator reviewed as a part of the evaluation process.
- VI. The IEE must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent/guardian, that may assist in determining whether the child is a child with a disability under 34 CFR §300.8, and in forming the child's IEP, including information related to enabling the child to be involved in and progress in the regular education curriculum (or for a preschool child to participate in appropriate activities).[\[3\]](#)
- VII. Testing and assessment procedures shall be selected and administered to yield valid measurement or assessment of the construct or quality they purport to measure or assess. The evaluator shall administer any testing or recommendations of the publisher of the test or procedure, if any, and in compliance with applicable and authoritatively recognized professional principles and ethical tenets and shall report any factor that might affect the validity of any results obtained.
- VIII. The evaluation must include an observation of the student in an educational setting, unless the student is not then in such a setting, and the evaluator shall obtain information concerning the performance of the student directly from at least one (1) current teacher of the child, unless the child does not have a current teacher.
- IX. The evaluator and the school district must have permission to communicate and share information. The evaluator must release the results of the evaluation to the district.
- X. The evaluator shall prepare and sign a full report of the evaluation containing:
 - i. A list of all information/data reviewed.
 - ii. A clear explanation of the testing and assessment results.
 - iii. A complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and

sub-test scores reported in standard, scaled, or T-score format.

- iv. A complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator.
 - v. Specific recommendations for educational programming and, if possible, placement.
- b. If a parent-initiated evaluation does not meet the criteria as set forth by the district, such that funding is denied, Kiski Area School District shall, in writing, explain to the parent/guardian why it does not.
- c. If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall meet the same as the criteria that Kiski Area School District uses when it initiates an evaluation, to the extent that those criteria are consistent with the parent's/guardian's right to an IEE. Kiski Area School District shall not impose other conditions or timelines related to obtaining an IEE at public expense.
- d. If the parents/guardians and/or students wish to meet with the evaluator to discuss and/or review the results of an IEE that is publicly-funded, they shall do so at their own expense. If an IEE is at public expense, the district shall not reimburse or pay for meetings between the parents/guardians and the evaluator to discuss the results of the evaluation.
- e. Parental consent is required for Kiski Area School District to release education records to an independent evaluator conducting an IEE. If a parent/guardian refuses such consent, the records shall not be released, and the IEE would, therefore, not meet the criteria set forth in Section 2a of this policy.
- f. An IEE obtained at the expense of the parents/guardians that meets the above criteria must and will be considered in any decision made with respect to the provisions of FAPE to the child. The district, however, is under no obligation to adopt the findings of such evaluation.
- g. For Kiski Area School District to consider or publicly fund an IEE that does not meet the criteria specified in 6a, parents/guardians must demonstrate to the district, in writing, that unique circumstances justify any deviation from the criteria. Kiski Area School District reserves the right to accept or deny any such deviation.

Legal

[1. 34 CFR 300.502](#)

[2. 34 CFR 300.508](#)

[3. 34 CFR 300.8](#)

[34 CFR Part 300](#)



Book	Policy Manual
Section	100 Programs
Title	Screening and Evaluations for Students With Disabilities
Code	113.3
Status	Active
Adopted	December 21, 2015

Purpose

The Board adopts this policy to define the minimum requirements for screening; educational evaluations conducted to determine eligibility for special education services, instructional levels and programming requirements for students with disabilities, including functional behavioral assessments; and requirements for independent educational evaluations.[\[1\]\[2\]\[3\]\[4\]\[5\]\[6\]\[7\]\[8\]\[9\]\[10\]](#)[\[11\]\[12\]](#)

Authority

The Board shall adopt a system of screening that may include early intervening services and must be designed to accomplish identification and initial screening for students prior to district referral for a special education evaluation. The system shall provide support to staff to improve working effectively with students in the general education curriculum, identify students who may require special education services and programs, and must include hearing and vision screening and screening at reasonable intervals to determine whether students are performing at grade appropriate levels in core academic subjects.[\[1\]\[7\]\[13\]](#)

Early intervening services shall comply with the requirements of state and federal law and regulations in order to address academic concerns or behaviors that may be impeding success, but which can be resolved through research-based intervention programs in the regular education setting.[\[7\]](#)

The Board authorizes the use of functional behavioral assessments (FBAs) as an evaluation to gather information to understand the purpose of the student's behaviors and to assist with developing a positive Behavior Support Plan. FBAs must be conducted when:[\[5\]\[10\]](#)[\[11\]\[14\]\[12\]](#)

1. A student's behavior violates the Code of Student Conduct creating a pattern of violations and is determined to be a manifestation of a student's disability.
 2. A student is placed in an interim alternative educational placement for a qualifying reason permitting such placement for up to forty-five (45) school days for certain offenses.
 3. The school contacts law enforcement regarding a student who already has a positive Behavior Support Plan and such criminal violation is found to be a manifestation of the student's disability.
- FBAs may also constitute part of the initial evaluation to determine eligibility for special education.

The district shall comply with requirements of state and federal laws and regulations when conducting evaluations.[\[2\]\[6\]\[15\]\[9\]\[16\]](#)

An appropriate evaluation of a student, whether conducted by district staff or individuals not employed by the district, shall may consist of the administration of all testing and the use of all assessment procedures required to determine the existence of all legally defined disabilities reasonably suspected by district staff, parents/guardians, or the evaluator and recommended by the IEP team. An appropriate evaluation shall assist in determining a student's eligibility for special for special education services in conjunction with the IEP team.

A student shall be assessed in all areas related to the suspected disability including, as appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.

A re-evaluation of a student who currently has an IEP shall be conducted as required by state and federal law and regulations.[\[3\]](#)[\[6\]](#)[\[17\]](#)[\[16\]](#)

Guidelines

Parent/Guardian Requests

Parents/Guardians may request an evaluation at any time. The parent/guardian request must be in writing. If a request is made orally to any professional employee or administrator, that individual shall provide a copy of the permission to evaluate form to the parents/guardians within ten (10) calendar days of the oral request.[\[1\]](#)[\[2\]](#)

The evaluation shall be completed and a copy of the evaluation report presented to parents/guardians no later than sixty (60) calendar days after receipt of written parent/guardian consent for an evaluation, exclusive of the period following the last day of the spring school term to the first day of the subsequent fall term.

Appropriate Evaluations

An appropriate evaluation shall use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about a student.[\[2\]](#)[\[6\]](#)[\[8\]](#)[\[9\]](#)

An appropriate evaluation shall include:

1. Testing and assessment techniques required in light of information currently available from previous evaluations.
2. Information from parents/guardians and school staff familiar with the performance of the student.
3. The student's education records.

The evaluator shall review all such sources of information prior to conducting testing and assessment. The evaluator shall review assessments conducted by others that indicate how the student is responding to early intervening services and scientific research-based instruction and/or include such assessments as part of his/her evaluation.

To the extent that the results of such instructional assessments are inconsistent with the results of norm or criterion-referenced testing and assessments that the evaluator has administered, the evaluator shall explain the reason for the inconsistency in his/her report, if possible.

When assessing the presence of a specific learning disability, the evaluation shall be consistent with procedures adopted by the district and comply with state and federal law and regulations.[\[4\]](#)[\[18\]](#)

Testing and assessment procedures shall be selected and administered to yield valid measurement or assessment of the construct or quality they purport to measure or assess. The evaluator shall administer any testing or assessment procedures in a manner consistent with the requirements and recommendations of the publisher of the test or procedure and in compliance with applicable and authoritatively recognized professional principles and ethical tenets. S/He shall report any factor that might affect the validity of any results obtained.

All assessments and evaluation materials shall be selected and administered so as not to be discriminatory on a racial or cultural basis. Where feasible, assessments and evaluations shall be administered in a language and form most likely to provide accurate information about the student.

The evaluation shall include an observation of the student in an educational setting, unless the student is not currently in such a setting. The evaluator shall obtain information concerning the performance of the student directly from at least one (1) current teacher of the student, unless s/he does not have a current teacher.

The evaluator shall hold an active certification that qualifies the evaluator to conduct that type of evaluation. If certification is not issued for the particular area of professional practice in which the evaluator is lawfully engaged, the evaluator shall hold such license or other credentials as required for the area of professional practice under state law.

The evaluator shall prepare and sign a full report of the evaluation containing:

1. Clear explanation of the testing and assessment results.
2. Complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores; domain or composite scores; and subtest scores reported in standard, scaled, or T-score format.
3. Complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator.
4. Identification of all special education and related services needs and relevant information that directly assists persons in determining the educational needs of the student.
5. Specific, individualized recommendations for consideration by the IEP team for educational programming and placement to enable the student to participate as appropriate in the general education curriculum in the least restrictive environment, as defined by federal and state law and regulations.

Re-Evaluations

Re-evaluations shall be conducted within the timeframes required by state and federal laws and regulations unless the parent/guardian and the district agree in writing that a re-evaluation is unnecessary. For students with intellectual disability, the re-evaluation cannot be waived. The group of qualified professionals that reviews the evaluation materials to determine whether the child is a student with a disability shall include a certified school psychologist when evaluating a student for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairment, specific learning disability and traumatic brain injury.[\[3\]](#)[\[19\]](#)[\[20\]](#)

Copies of the re-evaluation report shall be disseminated to parents/guardians at least ten (10) days prior to the meeting of the IEP team unless this requirement is waived in writing.

Independent Educational Evaluations

A parent/guardian who disagrees with the results or content of an evaluation performed or obtained by the district may request an independent educational evaluation at district expense. A parent/guardian is entitled to only one (1) independent educational evaluation at public expense each time the district conducts an evaluation with which the parent/guardian disagrees. The independent educational evaluation must arise from parents'/guardians' disagreement with the district's most recent evaluations or re-evaluations of the student. The district shall be entitled to a copy of all results of independent educational evaluations conducted at public expense. If an oral request for an independent educational evaluation is made to a professional employee or administrator, that person shall inform the parent/guardian that the request must be in writing. If the native language of the parent/guardian is other than English, the requirement that the parent/guardian make his/her request in writing shall be conveyed by whatever means practicable and in the native language of the parent/guardian.[\[9\]](#)[\[21\]](#)

A written request for an independent educational evaluation at district expense shall be immediately forwarded to the Director of Special Education, who may, upon receipt of the written parent/guardian request, ask that the parent/guardian state his/her reasons for disagreement with the evaluation conducted or proposed by the district. The district cannot require the parent/guardian to do so, and the refusal of the parent/guardian shall not delay the process required by this policy.

The criteria under which the independent educational evaluation at public expense is obtained must be the same as the criteria used by the district in conducting an appropriate evaluation, including the location of the evaluation and the qualifications of the examiner, to the extent those criteria are consistent with the parent's/guardian's right to an independent educational evaluation at public expense. The qualified examiners who conduct the independent educational evaluation may not be employed by the public agency responsible for the education of the student.

Within ten (10) school days of receipt of a request for an independent educational evaluation in writing from a parent/guardian, the Director of Special Education shall either initiate a due process hearing to show that the district's evaluation is appropriate and notify the parent/guardian in writing that s/he has done so or issue to the parent/guardian prior written notice containing:

1. Assurance that the district will pay for an independent educational evaluation as long as the evaluation meets all of the requirements of an appropriate evaluation and is in compliance with this policy.
2. Statement that the district will not pay for the evaluation until it receives directly from the evaluator a complete copy of a report of that evaluation and determines that the evaluation is in compliance with this

policy.

3. Request that the parents/guardians consider accessing reimbursement for all or part of the evaluation from public or private sources of insurance or reimbursement, together with a clear assurance that the parent/guardian is not required to do so and that the district will pay any cost not covered by such sources.
4. Directions that the parent/guardian is responsible for arranging for the evaluation and ensuring that the evaluator contacts the Director of Special Education to arrange for payment of the evaluation.

If the parent/guardian does not provide prior written notice to the District, the District may deny payment of such independent evaluation. Upon request, the district shall provide to parents/guardians information about where an independent educational evaluation may be obtained.

If the evaluation has already been conducted and paid for, the district shall issue correspondence advising the parent/guardian that the district will not reimburse the parent/guardian for the evaluation until it receives a complete and un-redacted copy of the report of the evaluation and determines that the evaluation is in compliance with this policy. The district shall require documentation substantiating that the parents/guardians paid for or incurred the obligation to pay for the evaluation without reimbursement from a public or private source of insurance or reimbursement.

The Director of Special Education shall send the correspondence to the parent/guardian by certified mail or by other independently verifiable means of conveyance and enclose a copy of this policy.

The Director of Special Education shall maintain a list of qualified independent evaluators in each of the various disciplines commonly relied upon to provide education-related evaluations and assessments and shall promptly make that list available to any parent/guardian who requests it.

Legal

[1. 22 PA Code 14.122](#)

[2. 22 PA Code 14.123](#)

[3. 22 PA Code 14.124](#)

[4. 22 PA Code 14.125](#)

[5. 22 PA Code 14.133](#)

[6. 20 U.S.C. 1414](#)

[7. 34 CFR 300.226](#)

[8. 34 CFR 300.301-300.311](#)

[9. 34 CFR 300.502](#)

[10. 34 CFR 300.530](#)

11. Pol. 113

12. Pol. 113.2

13. Pol. 209

14. Pol. 113.1

[15. 34 CFR 300.300-300.311](#)

[16. 34 CFR 300.503](#)

[17. 34 CFR 300.303-300.306](#)

[18. 34 CFR 300.307-300.311](#)

[19. 34 CFR 300.303](#)

20. PA Ass'n for Retarded Children (PARC) v. Com. of Pa., 343 F. Supp. 279 (E.D. Pa. 1975)

21. Pol. 138

[20 U.S.C. 1400 et seq](#)

[34 CFR Part 300](#)

[Pennsylvania Training and Technical Assistance Network \(PaTTAN\)](#)



Book	Policy Manual
Section	100 Programs
Title	Confidentiality of Special Education Student Information
Code	113.4
Status	Active
Adopted	May 20, 2019

Authority

The Board recognizes the need to protect the confidentiality of personally identifiable information in the education records of students with disabilities. The information collected shall be used only for educational purposes and for the means for providing all students a free and appropriate public education.[1]

The district shall maintain a system of safeguards to protect the confidentiality of students' educational records and personally identifiable information when collecting, retaining, disclosing and destroying student special education records, in accordance with Board policy, state requirements, and federal and state law and regulations.[2]

The rights provided by this policy apply to parents/guardians of students who receive special education programming and services from the district or an outside program provided through the district.[3][4]

Definitions

Destruction shall mean the physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.[5]

Disclosure shall mean to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.[6]

Education records, for purposes of this policy, shall include the records and information covered under the definition of education records in the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations.[6][7][8]

Personally identifiable information includes, but is not limited to:[6][9]

1. The name of a student, the student's parents/guardians or other family members.
2. The address of the student or student's family.
3. A personal identifier, such as the student's social security number, student number, or biometric record.
4. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
5. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
6. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

Student Records Plan

The Board shall adopt a plan for the collection, maintenance, disclosure and subsequent destruction of student records. The plan shall be updated or revised as necessary. Any updated or revised plan shall be submitted to the Pennsylvania Department of Education as requested or required.

Guidelines

Parental Access Rights

The district shall permit parents/guardians to inspect and review any education records relating to their child(ren) that are collected, retained, or used by the district in connection with providing special education services to the student.[\[10\]](#)[\[11\]](#)

The district shall comply with a parental request to inspect and review education records without unnecessary delay and before any meeting regarding an Individualized Education Program (IEP); any impartial due process hearing relating to the identification, evaluation, educational placement, or the provision of a free and appropriate public education (FAPE) to a student; a hearing related to the discipline of the student; and a resolution meeting.

The district shall presume a parent/guardian has authority to inspect and review records relating to his/her child unless it has been provided documentation that the requesting parent/guardian does not have this authority under applicable state law.[\[10\]](#)[\[12\]](#)

The district shall comply with a parental request for review within forty-five (45) days following receipt of the request.[\[10\]](#)[\[11\]](#)

A parent's/guardian's right to inspect and review education records includes the right to:

1. A response from the district to reasonable requests for explanations and interpretations of the records;
2. Request that the district provide copies of the records if failure to provide copies would effectively prevent the parent/guardian from exercising the right to inspect and review the records; and
3. Have a representative inspect and review the records.

If an education record includes information on more than one (1) student, the parents/guardians shall have access only to the information relating to their child or shall be informed of the information in the record.[\[13\]](#)
[\[14\]](#)

The district shall provide parents/guardians, upon request, a list of the types and locations of educational records collected, maintained, or used by the district.[\[15\]](#)

At the discretion of the district, and for verification and recordkeeping purposes only, the district may require the parent/guardian to put in writing the following:

1. A verbal request to inspect, review or receive copies of education records.
2. A verbal designation of a representative.
3. A verbal request for a list of the types and locations of a child's education records collected, maintained or utilized by the district.

Fees

The district may charge a fee for copies of records that are made for parents/guardians so long as the fee does not effectively prevent parents/guardians from exercising their right to inspect and review those records.[\[16\]](#)
[\[17\]](#)

The district shall not charge a fee to search for or to retrieve information in response to a parental request.

Record of Access

The district shall keep a record of parties obtaining access to education records collected, maintained, or used in providing special education to students with disabilities, except access by parents/guardians and authorized district employees.

The district's record of access shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Amendment of Records Upon Parental Request

If a parent/guardian believes that information in the student's education records is inaccurate, misleading or violates the privacy or other rights of the student, the parent/guardian may request that the district amend the information. The district shall decide whether to amend the information within a reasonable period of time from receipt of the request.[18][19]

If the district declines to amend the information in accordance with a parental request, the district shall inform the parent/guardian of the refusal and advise the parent/guardian of the right to a hearing.

Records Hearing

The district shall, on request, provide parents/guardians with an opportunity for a hearing to challenge information in the student's education records to ensure that the information is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. The district recognizes that parents/guardians who believe that there is a due process violation relating to an alleged violation of confidentiality may also request a special education due process hearing.[20][21][22]

Hearing Procedures

A hearing to challenge information in education records must meet the following requirements:[23][24]

1. The district shall hold the hearing within a reasonable time after receiving the request for a hearing.
2. The district shall give the parent/guardian reasonable advanced written notice of the date, time, and place of the hearing.
3. The hearing may be conducted by any individual, including a district official, who does not have a direct interest in the outcome of the hearing.
4. The district shall give the parent/guardian a full and fair opportunity to present relevant evidence. The parent/guardian may, at his/her own expense, be assisted or represented by one (1) or more individuals of his/her choice, including an attorney.
5. The district shall inform parents/guardians of its decision in writing within a reasonable period of time after the hearing.
6. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

Result of Hearing

If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the district shall amend the information accordingly and inform the parent/guardian in writing.[22][25]

If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the district shall inform the parent/guardian of the parent's/guardian's right to place in the student's records a statement commenting on the information and/or providing any reasons for disagreeing with the district's decision. Any explanation placed in the student's records shall be:

1. Maintained by the district as part of the student's records as long as the record or contested portion is maintained by the district; and
2. Included with the record or contested portion if the record or contested portion are disclosed to any party.

Storage, Retention and Destruction of Information

The district shall store all education records and personally identifiable information of students receiving special education services in such a way as to protect the confidentiality and integrity of the records and information, prevent unauthorized access to and disclosure of records and information, and ensure compliance with other legal and regulatory requirements regarding records retention.[26]

The district shall maintain, for public inspection, a current listing of the names and positions of those district employees who have access to personally identifiable information.[26]

In order to comply with state compliance monitoring requirements, the district shall maintain education records for students receiving special education services for at least six (6) years.[8]

The district shall inform parents/guardians when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student. After notice, such information shall be destroyed upon parental request.[\[27\]](#)

No education record shall be destroyed if there is an outstanding request to inspect or review the record or if a litigation hold exists.[\[11\]](#)

The district may maintain a permanent record of the student's name, address, and phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed.[\[27\]](#)

The district shall ensure the destruction of education records in a manner that protects the confidentiality and privacy rights of the student and his/her family.[\[26\]](#)

Disclosure to Third Parties

The district shall obtain parental consent before disclosing personally identifiable information to parties other than school district officials with a legitimate educational interest or other educational institutions that provide special education services to the student for the purposes of meeting a requirement of law or regulation unless the information is contained in education records and the disclosure is permitted without parental consent under law and regulations.[\[8\]](#)[\[28\]](#)[\[29\]](#)[\[30\]](#)[\[31\]](#)[\[32\]](#)[\[33\]](#)

Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.[\[29\]](#)

If a student is enrolled, or is going to enroll in a private school that is not located in the district of the parent's/guardian's residence, parental consent must be obtained before any personally identifiable information about the student is released between officials in the district where the private school is located and officials in the district of the parent's/guardian's residence.[\[29\]](#)

If the agency reports a crime committed by a student with a disability the agency will ensure that copies of the special education and disciplinary records of the student is transmitted properly and only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).[\[34\]](#)

Delegation of Responsibility

In order to maintain the confidentiality of the educational records and personally identifiable information of students with disabilities, the Board designates the Supervisor of Special Education or designee to coordinate the district's efforts to comply with this policy and applicable laws and regulations.[\[26\]](#)

All district employees collecting or using personally identifiable information shall receive training or instruction regarding Board policy, administrative regulations, and state and federal law and regulations regarding confidentiality of education records and personally identifiable information.[\[26\]](#)

Legal

1. Pol. 113

[2. 34 CFR 300.611-300.627](#)

[3. 34 CFR 300.520](#)

[4. 34 CFR 300.625](#)

[5. 34 CFR 300.611](#)

[6. 34 CFR 99.3](#)

[7. 20 U.S.C. 1232g](#)

8. Pol. 216

[9. 34 CFR 300.32](#)

[10. 34 CFR 300.613](#)

[11. 34 CFR 99.10](#)

[12. 34 CFR 99.4](#)

[13. 34 CFR 300.615](#)

[14. 34 CFR 99.12](#)

[15. 34 CFR 300.616](#)

- [16. 34 CFR 300.617](#)
- [17. 34 CFR 99.11](#)
- [18. 34 CFR 300.618](#)
- [19. 34 CFR 99.20](#)
- [20. 34 CFR 300.510-300.516](#)
- [21. 34 CFR 300.619](#)
- [22. 34 CFR 99.21](#)
- [23. 34 CFR 300.621](#)
- [24. 34 CFR 99.22](#)
- [25. 34 CFR 300.620](#)
- [26. 34 CFR 300.623](#)
- [27. 34 CFR 300.624](#)
- [28. 34 CFR 300.154](#)
- [29. 34 CFR 300.622](#)
- [30. 34 CFR 99.30](#)
- [31. 34 CFR 99.31](#)
- 32. Pol. 113.1
- 33. Pol. 113.2
- [34. 34 CFR Part 99](#)
- [20 U.S.C. 1400 et seq](#)
- [34 CFR Part 300](#)

Bureau of Special Education Letter to School Entities on Retention of Records, Dated November 9, 2009

Pennsylvania Department of Education Individuals With Disabilities Education Act Part B LEA Policies and Procedures under 34 CFR §§300.101 - 300.176 (2009)

Pol. 113.3



Book	Policy Manual
Section	100 Programs
Title	Gifted Education
Code	114
Status	Active
Adopted	May 15, 2006

Authority

In accordance with the Board's philosophy to develop the special abilities of each student, the district shall provide gifted education programs designed to meet the individual educational needs of each student.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)

In order to provide quality gifted education services and programs, the Board may enter into a cooperative agreement with Westmoreland Intermediate Unit No. 7.[\[5\]](#)

Definitions

Gifted student - shall mean a student of school age with an IQ of 130 or higher who meets established multiple criteria indicating gifted ability or a school-aged student with an IQ lower than 130 when other educational criteria strongly indicate gifted ability. For purposes of this definition, any determination of mentally gifted status shall include an assessment by a certified school psychologist.[\[6\]](#)

GIEP - shall mean a Gifted Individualized Education Program.[\[16\]](#)

GMDT - shall mean a Gifted Multidisciplinary Team. The GMDT shall be formed on the basis of the student's needs and shall be comprised of the student's parents/ guardians; a certified school psychologist; persons familiar with the student's educational experience and performance; one or more of the student's current teachers; persons trained in the appropriate evaluation techniques; and, when possible, persons familiar with the student's cultural background. A single member of the GMDT may meet two (2) or more of the specified qualifications.[\[7\]](#)

Guidelines

The district's gifted education program shall provide the following:[\[5\]](#)

1. Services and programs planned, developed and operated for identification and evaluation of each gifted student.
2. Gifted education for each identified student, based on the unique needs of the student, not solely on the classification.
3. Gifted education that enables identified students to participate in acceleration and/or enrichment programs, and to receive services appropriate to their intellectual and academic abilities and needs.[\[4\]](#)

Referral Procedures

The Superintendent or designee shall develop and implement procedures and the necessary forms to permit teachers to refer a student or allow a parent/guardian to request in writing that a school-aged student undergo a gifted multidisciplinary evaluation to determine if the student is gifted.[\[7\]](#)

Evaluation Process

The Superintendent or designee shall develop and implement procedures to create a GMDT to determine if a school-aged student is eligible to receive gifted services.[\[7\]](#)

Development of GIEP

The Superintendent or designee shall develop and implement procedures to ensure the development of a GIEP for each gifted student and subsequent modification of services, in the manner prescribed by law.[\[8\]](#)[\[9\]](#)

Caseloads/Class Size

The Superintendent or designee shall develop and implement procedures, in conjunction with the building principals and other appropriate school personnel, to annually assess the delivery of gifted education within the district in order to:[\[10\]](#)

1. Ensure the ability of assigned staff to provide the services required in each identified student's GIEP.
2. Address the educational placements for gifted students within the district.
3. Limit the total number of gifted students that can be on an individual gifted teacher's caseload to a maximum of seventy-five (75) students.
4. Limit the total number of gifted students that can be on an individual gifted teacher's class roster to a maximum of twenty (20) students.

Notwithstanding the above, the district shall have the right to make a written request to the Secretary of Education to waive the applicable caseload and class size maximums in extenuating circumstances.[\[10\]](#)

Notice/Consent for Evaluation

Prior to the district conducting an initial gifted multidisciplinary evaluation or re-evaluation of any school-aged student, the district shall provide the parents/ guardians of that student with written notice proposing such an evaluation and obtain written parental consent to do so.[\[11\]](#)[\[12\]](#)

Awareness Activities

The Superintendent or designee shall annually conduct awareness activities to inform parents/guardians of school-aged children residing within the district of its gifted education program. Those awareness activities may include providing written notice of the district's gifted education program through newspapers and district publications; distributing such written notice to private schools serving school-aged residents; hosting meetings and/or distributing literature designed to inform parents/ guardians of newly-enrolled students of the district's gifted services.[\[6\]](#)

Confidentiality of Student Records

All personally identifiable information regarding a gifted student shall be treated as confidential and disclosed only as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, and the State Board of Education Regulations.[\[13\]](#)[\[14\]](#)[\[15\]](#)

Legal

[1. 22 PA Code 16.1 et seq](#)

[2. 24 P.S. 1371](#)

[3. 24 P.S. 1372](#)

[4. 22 PA Code 4.28](#)

[5. 22 PA Code 16.2](#)

[6. 22 PA Code 16.21](#)

[7. 22 PA Code 16.22](#)

[8. 22 PA Code 16.31](#)

[9. 22 PA Code 16.32](#)

[10. 22 PA Code 16.41](#)

[11. 22 PA Code 16.61](#)

[12. 22 PA Code 16.62](#)

[13. 22 PA Code 16.65](#)

[14. 20 U.S.C. 1232g](#)

[15. 34 CFR 99](#)

[16. 22 PA Code 16.1](#)



Book	Policy Manual
Section	100 Programs
Title	Vocational Technical Education
Code	115
Status	Active
Adopted	May 15, 2006

Purpose

The Board shall provide a program of vocational technical education in order to:[\[1\]](#)

1. Prepare students for gainful employment as skilled workers or technicians in recognized, new and emerging occupations.
2. Prepare students for enrollment in postsecondary education programs.
3. Assist students in choosing meaningful career pathways.

Definition

For purposes of this policy, **vocational technical education** shall be defined as a series of planned academic and vocational technical education courses articulated with one another to teach the knowledge and skills necessary to prepare students to effectively pursue recognized profitable employment.[\[1\]](#)[\[2\]](#)

Authority

The Board shall support a program of vocational technical education which may include:

1. Vocational technical courses of study interwoven and articulated throughout the curriculum of the school.[\[1\]](#)[\[3\]](#)
2. A work-study program for the employment of qualified students in public agencies and institutions.[\[4\]](#)
3. A cooperative education program to offer students experience in private employment.[\[1\]](#)[\[5\]](#)[\[4\]](#)[\[2\]](#)
4. Attendance at the Northern Westmoreland Career & Technology Center and participation in a cooperative program of career development.[\[6\]](#)[\[7\]](#)

In order to maintain a program of vocational technical education, the Superintendent shall recommend to the Board:

1. The content, organization and assessment standards of all vocational courses stated in the Strategic Plan.[\[8\]](#)[\[1\]](#)
2. The placement of students in work-study and career preparatory programs and supervise the nature and conduct of their employment.[\[1\]](#)[\[4\]](#)
3. The operation of programs in compliance with the current state plan for vocational education.[\[9\]](#)[\[10\]](#)
4. The employment and supervision of certified district vocational technical staff.[\[11\]](#)
5. To provide adequate facilities and equipment for maintenance of the district's program.[\[12\]](#)[\[3\]](#)
6. To establish the number of credits to be awarded toward graduation for vocational technical education courses of study and for cooperative education programs, in cooperation with the Northern Westmoreland Career and Technology Center.[\[1\]](#)

The Board shall establish appropriate advisory committees to advise the Board, administration and staff concerning the aspects of the educational program delegated to each committee.[\[13\]](#)[\[14\]](#)[\[15\]](#)

Delegation of Responsibility

The Superintendent or designee shall be responsible for developing procedures which ensure that:

1. All district programs are operated in conformance with the current state plan for vocational technical education and State Board regulations.[\[1\]](#)[\[16\]](#)[\[10\]](#)[\[9\]](#)
2. All district teachers are properly certified for their specific vocational technical teaching assignments.[\[18\]](#)
3. All approved planned instruction is carried out.[\[1\]](#)
4. Students participating in cooperative education programs are not exploited, illegally employed, or employed under conditions that fail to safeguard their health and interests.
5. Development of district vocational technical curricula is integrated with a continuing assessment of the employment demands of the community and the state, as well as the needs and interests of students.
6. Students and parents/guardians are informed that admission to vocational technical education programs is accessible to regularly enrolled students, in accordance with established criteria for admittance.[\[1\]](#)

The Superintendent shall seek and utilize all available state, federal, and private sources of revenue for the financial support of vocational technical education.

All students participating in vocational technical programs supervised by this Board or in vocational technical programs sponsored by this Board are considered to be regularly enrolled in district schools and are subject to the policies and rules of the Board, and jointly established policies and rules of this district and the Northern Westmoreland Career & Technology Center.

Legal

- [1. 22 PA Code 4.31](#)
- [2. 24 P.S. 1801](#)
- [3. 24 P.S. 1806](#)
- [4. 22 PA Code 11.28](#)
- [5. 22 PA Code 11.8](#)
- [6. 24 P.S. 1807](#)
- [7. 24 P.S. 1841](#)
- [8. 22 PA Code 4.13](#)
- [9. 22 PA Code 4.35](#)
- [10. 24 P.S. 1850.1](#)
- [11. 24 P.S. 1106](#)
- [12. 22 PA Code 4.34](#)
- [13. 22 PA Code 4.33](#)
- [14. 24 P.S. 1808](#)
- [15. 24 P.S. 1842](#)
- [16. 22 PA Code 4.32](#)
- [18. 24 P.S. 1212](#)



Book	Policy Manual
Section	100 Programs
Title	Tutoring
Code	116
Status	Active
Adopted	May 15, 2006
Last Revised	December 21, 2015

Purpose

The Board recognizes that some students may require special help beyond the regular classroom program.

Guidelines

Wherever possible within the working day, each teaching staff member shall assist assigned students in the remediation of individual learning difficulties.[\[5\]](#)[\[1\]](#)

In cases where extra help is desirable and the parents/guardians request such assistance, the building principal or designee may recommend that the parents/guardians secure tutorial services for the student from a list of available tutors maintained by the school.

Excusal From School

Upon the written request of the parent/guardian, a student may be excused during school hours for tutoring in a field not offered in the district curriculum if such excusal does not interfere with the student's regular program of studies.[\[2\]](#)

The tutor's qualifications must be approved by the Superintendent.[\[2\]](#)

The district may establish reasonable conditions for excusal of a student for such tutoring.[\[2\]](#)

Private Tutoring

The instructional program for students not enrolled in public schools due to private tutoring by a properly qualified private tutor shall comply with state law and regulations.[\[3\]](#)[\[4\]](#)

A **properly qualified private tutor** shall mean a person who is certified by the Commonwealth to teach in Pennsylvania public schools; who is teaching one (1) or more children who are members of a single family; who provides the majority of instruction to such child or children; and who is receiving a fee or other consideration for instructional services.[\[4\]](#)

Each private tutor shall file with the Superintendent a copy of his/her Pennsylvania certification, state and federal criminal history information and child abuse history clearance. No person who would be disqualified from school employment by the provisions of 24 P.S. § 1-111(e) may be a private tutor.[\[6\]](#)[\[3\]](#)[\[7\]](#)

Annually, the parent/guardian shall provide written assurance to the Superintendent that all instructional requirements are being met.[\[4\]](#)

When the Superintendent receives a complaint that a student is not being provided the required instruction or that a student is not making satisfactory progress, the Superintendent may request evidence of the student's academic progress and documentation that instruction is being provided for the required number of days and hours.[\[4\]](#)

Evidence of satisfactory progress may include samples of student work, assessments, progress reports, report cards and evaluations. Documentation of instructional time may include logs maintained by the tutor or parent/guardian, attendance records, or other records indicating the dates and time instruction was provided.[\[4\]](#)

Legal

[1. 22 PA Code 4.52](#)

[2. 22 PA Code 11.22](#)

[3. 24 P.S. 1327](#)

[4. 22 PA Code 11.31](#)

[5. 22 PA Code 4.12](#)

[6. 24 P.S. 111](#)

[7. 23 Pa. C.S.A. 6344](#)

[24 P.S. 1205.1](#)

[24 P.S. 1332](#)

[24 P.S. 1333](#)

[22 PA Code 11.33](#)



Book	Policy Manual
Section	100 Programs
Title	Homebound Instruction
Code	117
Status	Active
Adopted	May 15, 2006

Authority

The Board shall provide, pursuant to law and regulations, homebound instruction to students confined to home or hospital for physical disability, illness, injury, urgent reasons, or when such confinement is recommended for psychological or psychiatric reasons. The period of homebound instruction for an individual shall not exceed three (3) months.[\[1\]](#)[\[2\]](#)

Delegation of Responsibility

Application for homebound instruction shall certify the nature of the illness or disability, state the probable duration of the confinement, and be recommended by the building principal.

The Director of Student Support Services may grant recommended requests for homebound instruction and shall report each to the Board at its next regular meeting.

The Superintendent or designee may request approval from the Department of Education to extend the period of homebound instruction for an individual, which shall be reevaluated every three (3) months.[\[2\]](#)

Guidelines

The Board shall provide homebound instruction only for those confinements expected to last at least two (2) weeks.

Exceptions may be recommended by the Superintendent.

The program of homebound instruction provided to each student shall be in accordance with the standards established by the state.

The Board reserves the right to withhold homebound instruction when:

1. The instructor's presence in the place of a student's confinement presents a hazard to the health of the teacher.
2. A parent/guardian or other adult in authority is not present with the student during the hours of instruction.
3. The condition of the student precludes any benefit from such instruction.

If homebound instruction is approved, certified teachers shall be employed to provide instruction at an hourly rate of pay as indicated in the applicable collective bargaining agreement.



Book	Policy Manual
Section	100 Programs
Title	Independent Study
Code	118
Status	Active
Adopted	May 15, 2006

Purpose

The Board shall consider the approval of a course of independent study for a properly qualified student, as recommended by the Superintendent, on the condition that the student will demonstrate achievement of established academic standards as a result of participation in the independent study.

The purposes of independent study shall be to:

1. Extend the learning experience of the classroom.
2. Develop a student's judgment and self-reliance in the conduct of the learning experience.
3. Relate academic knowledge to the world of work and learning beyond the school.
4. Draw upon community resources as well as school resources for a student's educational program.
5. Include a greater variety of learning experiences within the educational program.
6. Identify and explore an area of particular interest.
7. Set personal learning goals and work toward achieving them, with appropriate staff guidance.
8. Learn to utilize various research tools and methods.

Authority

The Board shall approve each course of independent study and may designate the number of credits toward graduation to be awarded upon successful completion of each course, except that the Board reserves the right to assign no credit for an approved course.[\[1\]](#)

Each course of independent study must meet the requirements of applicable laws and regulations.

Delegation of Responsibility

The Superintendent or designee shall develop procedures for implementing independent study which:

1. Counsel students who apply for independent study.
2. Develop specified, measurable instructional objectives and standards for each planned course of independent study.
3. Assure that each student conducts study under appropriate staff guidance and supervision.
4. Monitor the progress of each student.
5. Certify the completion of each course of independent study based upon the original specified objectives.

6. Prepare recommendations for Board approval of courses of independent study.

Guidelines

Recommendations for approval may include the qualifications of the student, objectives established for the course, description of the method of study and research to be undertaken, staff members assigned to advise the project, manner in which the project will be evaluated, and proposal for the number of credits to be awarded for the course.

The Board directs that only those students shall be admitted to courses of independent study who provide evidence of academic proficiency, maturity of judgment, self-reliance, and staff recommendations.

Courses of independent study may not be limited to participation by a single student but may involve a group of students, subject to Board approval.

Legal

[1. 22 PA Code 4.4](#)



Book	Policy Manual
Section	100 Programs
Title	Current Events
Code	119
Status	Active
Adopted	May 15, 2006
Last Revised	November 17, 2014

Purpose

The Board believes that consideration of current events has a legitimate place in the educational program of the schools. Properly introduced and conducted, discussion of such events can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop skills for formulating and evaluating positions and opinions.

Definition

A **current event** is defined as a topic on which opposing points of view have been promulgated by responsible opinion and is not expressly enumerated in the course guide as content of the course of study.

Authority

The Board shall permit the introduction and proper educational use of current events, provided that their use in the instructional program:[1]

1. Is related to the course's educational goals and the students' level of maturity.
2. Does not tend to indoctrinate or persuade students to a particular point of view.
3. Encourages balanced presentations and open-mindedness.
4. Is conducted in a spirit of scholarly inquiry.
5. Is instigated by curricular design or by the students themselves.
6. Is not related to the employment status of the teacher and/or other district employees.

The Board recognizes that some deviation from the assigned course guide is necessary in the free exchange of the classroom. However, the Board specifies for the guidance of the Superintendent and staff that any discussion of current events in the classroom shall be conducted in an unprejudiced and dispassionate manner and shall not disrupt the educational process, fail to match the maturity level of students, nor be unrelated to the goals of the district and the appropriate course guide.[1]

Delegation of Responsibility

The Superintendent or designee shall develop administrative regulations for the management of current events that do not stifle the spirit of free and scholarly inquiry.



Book	Policy Manual
Section	100 Programs
Title	Field Trips
Code	121
Status	Active
Adopted	May 15, 2006
Last Revised	November 17, 2014

Purpose

The Board recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important component of the instructional program of the schools. Properly planned and executed field trips can:

1. Supplement and enrich classroom learning by providing educational experiences in an environment outside the schools.
2. Arouse new interests among students.
3. Help students relate academic learning to the reality of the world outside of school.
4. Introduce community resources, such as natural, cultural, industrial, commercial, governmental, and educational.
5. Afford students the opportunity to study real things and real processes in their actual environment.

Definition

For purposes of this policy, a **field trip** shall be defined as any trip by students away from school premises that is an integral part of approved planned instruction, is conducted as a first-hand educational experience not available in the classroom, and is supervised by a teacher or district employee.

Authority

The Board shall be informed of all field trips approved by the Superintendent, and approve only those field trips that are planned to keep students out of the district overnight or longer.[\[1\]](#)

Students on field trips remain under the supervision and responsibility of this Board and are subject to its rules and regulations.

The Board does not endorse, support nor assume responsibility in any way for any district staff member who takes students on trips not approved by the Board or Superintendent. No staff member may solicit district students for such trips within district facilities or on district grounds without Board permission.

Delegation of Responsibility

The Superintendent or designee shall develop administrative regulations for the operation of field trips.

Guidelines

Field trips shall be governed by guidelines which ensure that:

1. The safety and well-being of students will be protected at all times.
2. Permission of the parent/guardian is sought and obtained before any student may participate.
3. The principal approves the purpose, itinerary and duration of each proposed trip.
4. Each field trip is properly planned, integrated with the curriculum, and followed up by appropriate activities that enhance its value.[2]
5. The effectiveness of field trip activities is monitored and evaluated continuously.
6. Teachers are allowed flexibility and innovation in planning field trips.
7. No field trip will be approved unless it contributes to the achievement of specified instructional objectives.

Administration of Medication

The Board directs planning for field trips to start early in the school year and to include collaboration between administrators, teachers, nurses, parents/guardians and other designated health officials.

Decisions regarding administration of medication during field trips and other school-sponsored programs and activities shall be based on the student's individual needs.[3][4]

Medication shall be administered in accordance with applicable laws, regulations, Board policies and district procedures.[5][6]

Legal

[1. 24 P.S. 517](#)

2. Pol. 105

3. Pol. 103.1

4. Pol. 113

5. Pol. 210

6. Pol. 210.1

[24 P.S. 510](#)

Pol. 000



Book	Policy Manual
Section	100 Programs
Title	Concussion Management
Code	123.1
Status	Active
Adopted	September 16, 2013

Purpose

The Board recognizes the importance of ensuring the safety of students participating in the district's athletic programs. This policy has been developed to provide guidance for prevention, detection and treatment of concussions sustained by students while participating in an athletic activity.

Definitions

Appropriate medical professional shall mean all of the following:[\[1\]](#)

1. A licensed physician who is trained in the evaluation and management of concussions.
2. A licensed or certified health care professional trained in the evaluation and management of concussions and designated by a licensed physician trained in the evaluation and management of concussions.
3. A licensed psychologist neuropsychologically trained in the evaluation and management of concussions or who has postdoctoral training in neuropsychology and specific training in the evaluation and management of concussions.

Athletic activity shall mean all of the following:[\[1\]](#)

1. Interscholastic athletics.[\[2\]](#)[\[6\]](#)
2. An athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school entity, including cheerleading, club-sponsored sports activities and sports activities sponsored by school-affiliated organizations.[\[4\]](#)[\[6\]](#)
3. Noncompetitive cheerleading that is sponsored by or associated with the school.[\[4\]](#)
4. Practices, interschool practices and scrimmages for all athletic activities.[\[4\]](#)[\[2\]](#)

Delegation of Responsibility

Each school year, prior to participation in an athletic activity, every student athlete and his/her parent/guardian shall sign and return the acknowledgement of receipt and review of the Concussion and Traumatic Brain Injury Information Sheet.[\[5\]](#)

The Superintendent or designee shall develop administrative regulations to implement this policy, which shall include protocols for concussion management.

Guidelines

The school shall hold an informational meeting prior to the start of each athletic season for all competitors regarding concussions and other head injuries, the importance of proper concussion management, and how preseason baseline assessments can aid in the evaluation, management and recovery process. In addition to the student athletes, students, parents/guardians, coaches, and other appropriate school officials, the informational meeting may include physicians, neuropsychologists, athletic trainers and physical therapists.[\[5\]](#)

Removal From Play

A student who, as determined by a game official, coach from the student's team, certified athletic trainer, licensed physician, licensed physical therapist or other official designated by the district, exhibits signs or symptoms of a concussion or traumatic brain injury while participating in an athletic activity shall be removed by the coach from participation at that time.[\[5\]](#)

Return To Play

The coach shall not return a student to participation until the student is evaluated and cleared for return to participation in writing by an appropriate medical professional. The Board may designate a specific appropriate medical professional(s) to provide written clearance for return to participation.[\[5\]](#)

Training

All coaches shall annually, prior to coaching an athletic activity, complete a concussion management certification training course offered by the Centers for Disease Control and Prevention, the National Federation of State High School Associations or another provider approved by the Department of Health. Any coach not completing a training course shall not coach any athletic activity until the coach completes the required course.[\[5\]](#)

Penalties

A coach found in violation of the provisions of this policy related to removal from play and return to play shall be subject to the following penalties:[\[5\]](#)

1. For a **first** violation, suspension from coaching any athletic activity for the remainder of the season.
2. For a **second** violation, suspension from coaching any athletic activity for the remainder of the season and for the next season.
3. For a **third** violation, permanent suspension from coaching any athletic activity.

Legal

[1. 24 P.S. 5322](#)

2. Pol. 123

4. Pol. 122

[5. 24 P.S. 5323](#)

[6. 24 P.S. 1602-A](#)

[24 P.S. 5321 et seq](#)



Book	Policy Manual
Section	100 Programs
Title	Sudden Cardiac Arrest
Code	123.2
Status	Active
Adopted	September 16, 2013

Authority

The Board recognizes the importance of ensuring the safety of students participating in the district's athletic programs. This policy has been developed to provide guidance for prevention and recognition of sudden cardiac arrest in student athletes.[\[1\]](#)

Definition

Athletic activity shall mean all of the following:[\[2\]](#)

1. Interscholastic athletics.[\[3\]](#)
2. An athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with the school, including cheerleading, club-sponsored sports activities and sports activities sponsored by school-affiliated organizations.[\[4\]](#)
3. Noncompetitive cheerleading that is sponsored by or associated with the school.[\[4\]](#)
4. Practices, interschool practices and scrimmages for all athletic activities.[\[4\]](#)[\[3\]](#)

Delegation of Responsibility

Each school year, prior to participation in an athletic activity, every student athlete and his/her parent/guardian shall sign and return the acknowledgement of receipt and review of the Sudden Cardiac Arrest Symptoms and Warning Signs Information Sheet.[\[5\]](#)

Guidelines

The school shall hold an informational meeting prior to the start of each athletic season for all competitors regarding the symptoms and warning signs of sudden cardiac arrest. In addition to the student athletes, such meetings may include parents/guardians, coaches, other appropriate school officials, physicians, pediatric cardiologists, and athletic trainers.[\[5\]](#)

Removal From Play

A student who, as determined by a game official, coach from the student's team, certified athletic trainer, licensed physician, or other official designated by the district, exhibits signs or symptoms of sudden cardiac arrest while participating in an athletic activity shall be removed by the coach from participation at that time.[\[5\]](#)

Any student known to have exhibited signs or symptoms of sudden cardiac arrest prior to or following an athletic activity shall be prevented from participating in athletic activities.

Return to Play

The student shall not return to participation until the student is evaluated and cleared for return to participation in writing by a licensed physician, certified registered nurse practitioner or cardiologist.[\[5\]](#)

Training

All coaches shall annually, prior to coaching an athletic activity, complete the sudden cardiac arrest training course offered by a provider approved by the Pennsylvania Department of Health. A coach of an athletic activity cannot coach any athletic activity until the training course is completed.[\[5\]](#)

Penalties

A coach found in violation of the provisions of this policy related to removal from play and return to play shall be subject to the following penalties:[\[5\]](#)

1. For a **first** violation, suspension from coaching any athletic activity for the remainder of the season.
2. For a **second** violation, suspension from coaching any athletic activity for the remainder of the season and for the next season.
3. For a **third** violation, permanent suspension from coaching any athletic activity.

Legal

[1. 24 P.S. 5331 et seq](#)

[2. 24 P.S. 5332](#)

3. Pol. 123

4. Pol. 122

[5. 24 P.S. 5333](#)

Pol. 822



Book	Policy Manual
Section	100 Programs
Title	Alternative Instruction Courses
Code	124
Status	Active
Adopted	May 15, 2006
Last Revised	November 17, 2014

Authority

The Board may grant credit toward high school graduation for course work successfully completed through approved summer school, correspondence courses, distance education, online courses and dual enrollment, in accordance with this policy.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)

Delegation of Responsibility

The building principal shall be responsible for reviewing and approving student applications for earning credit toward graduation through approved alternative instruction courses.

The building principal shall determine the number of credits assigned to such a course as part of the approval process before the student begins the course.

Guidelines

Students shall submit to the building principal a written request for approval of each proposed course and the number of credits sought.

The course subject must be included in the district's planned instruction and be relevant to established academic standards.[\[7\]](#)[\[8\]](#)

The student shall receive the same letter grade for credit that is assigned by the alternative instruction course.

Legal	1. 24 P.S. 502
	2. 24 P.S. 1525
	3. 24 P.S. 1901
	4. 24 P.S. 1903
	5. 24 P.S. 1906
	6. Pol. 217
	7. Pol. 102
	8. Pol. 107
	22 PA Code 4.41
	24 P.S. 1901 et seq



Book	Policy Manual
Section	100 Programs
Title	Adult Education
Code	125
Status	Active
Adopted	May 15, 2006

Purpose

The Board recognizes the value of educational growth and advancement to adult members of the community and the need of both adults and minors for educational programs.

Authority

The Board may establish and maintain a program of adult education based upon the needs and interests of the residents, consistent with the educational goals and policies of the district. [\[1\]](#)[\[2\]](#)[\[3\]](#)

The Board may employ staff, utilize available facilities, supply instructional and supplementary materials, and provide administrative leadership required to maintain the adult education program. The Board shall establish the tuition rate for each course offered in the adult education program. [\[4\]](#)[\[5\]](#)

Guidelines

Admission to an adult education program shall be open to:

1. All adult residents of this district.
2. Adult residents of other districts who apply and whose admittance will not deprive admittance to a district resident.

Delegation of Responsibility

The Superintendent or designee shall:

1. Utilize appropriate staff members.
2. Assess the needs and resources of the community.
3. Develop a program of adult education and present that program to the Board for approval.
4. Prepare a calendar of adult education activities.
5. Develop and implement means to inform the public of adult education offerings.

Legal	1. 24 P.S. 502
	2. 24 P.S. 1901
	3. 24 P.S. 1906
	4. 24 P.S. 1903
	5. 24 P.S. 1923



Book	Policy Manual
Section	100 Programs
Title	Class Size
Code	126
Status	Active
Adopted	May 15, 2006

Authority

Class size shall be determined by the Board after consultation with the Superintendent and principals.

Delegation of Responsibility

The Superintendent shall prepare guidelines for class size, which shall take into account:

1. Subject matter.
2. Type of instruction.
3. Ability of students.
4. Age group of students.
5. Use of aides.
6. Use of special facilities and equipment.



Book	Policy Manual
Section	100 Programs
Title	Assessment System
Code	127
Status	Active
Adopted	May 15, 2006
Last Revised	December 21, 2015

Purpose

The Board recognizes its responsibility to develop and implement an assessment system that will determine the degree to which students are achieving academic standards and provide information for improving the educational program.

Authority

The Board shall approve an assessment system for use in district schools to assess individual attainment of state and local academic standards, and to identify those students not attaining academic standards and provide assistance. The Board shall approve an assessment system at least once every six (6) years, which shall be implemented no later than one (1) year after the approval date.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)

The Board reserves the right to review district assessment measures and to approve those that serve a legitimate purpose without infringing upon the personal rights of the students or parents/guardians.[\[3\]](#)[\[5\]](#)

The Board directs the Superintendent or designee to grant requests to review state assessments from parents/guardians to determine whether the state assessments conflict with the parents'/guardians' religious beliefs. Parent/Guardian requests shall be submitted at least two (2) weeks prior to the administration of state assessments. The district shall ensure the security of the assessment documents.[\[6\]](#)

If, upon inspection of a state assessment, a parent/guardian finds the assessment to be in conflict with their religious beliefs, the parent/guardian shall have the right to have their child excused from that state assessment, upon written request to the Superintendent stating the objection.[\[6\]](#)

Delegation of Responsibility

The Superintendent or designee shall recommend various methods of assessment and evaluation based on his/her professional judgment, generally accepted professional practice, staff input and state regulations.[\[1\]](#)[\[2\]](#)[\[3\]](#)

The Superintendent or designee shall provide summary information to the public regarding student achievement, including results of assessments, in accordance with federal and state law and regulations.[\[3\]](#)

The Superintendent or designee shall provide information regarding the achievement of academic standards to the PA Department of Education when requested; such information shall not include student names, identification numbers or individually identifiable information.[\[3\]](#)

The Superintendent or designee shall recommend improvements in the educational program, curriculum and instructional practices based upon student assessment results.[\[3\]](#)

Guidelines

Parents/Guardians shall receive information regarding their child's state assessment scores and may obtain an explanation of assessment results from qualified school personnel.[\[2\]](#)[\[8\]](#)[\[9\]](#)

The district shall provide assistance to students not attaining academic standards at the proficient level. The district shall inform students and parents/guardians about how to access such assistance.[\[3\]](#)[\[5\]](#)

Students with disabilities and students participating in ESL/Bilingual Education programs shall participate in assessments, with appropriate accommodations when necessary.[\[2\]](#)[\[10\]](#)[\[11\]](#)[\[8\]](#)

Legal

[1. 22 PA Code 4.12](#)

[2. 22 PA Code 4.51](#)

[3. 22 PA Code 4.52](#)

4. Pol. 102

[5. 22 PA Code 12.41](#)

[6. 22 PA Code 4.4](#)

[7. 20 U.S.C. 6311](#)

8. Pol. 138

9. Pol. 212

10. Pol. 103.1

11. Pol. 113



Book	Policy Manual
Section	100 Programs
Title	Homework
Code	130
Status	Active
Adopted	May 15, 2006
Last Revised	November 20, 2006

Purpose

The purpose of homework assignments should be to:

1. Provide practice and reinforcement of skills presented by the teacher.
2. Broaden areas of interest through enrichment.
3. Provide opportunities for parents/guardians to know what their child is studying.
4. Encourage parent/guardian and child interaction.

Guidelines

Each student shall be responsible for completing homework assignments as directed.[\[1\]](#)

Homework shall complement classroom instruction and be planned and evaluated with respect to its purpose, appropriateness, and completion time. The demand of homework upon the students' time shall be consistent with the best interests of the students in regards to other valuable experiences to be gained outside of school.

Homework will not be assigned as a form of punishment.

Legal [1. 22 PA Code 12.2](#)



Book	Policy Manual
Section	100 Programs
Title	Home Education Programs
Code	137
Status	Active
Adopted	May 15, 2006

Authority

Home education programs for students residing in the school district shall be conducted in accordance with state law and regulations.[\[1\]](#)[\[2\]](#)[\[3\]](#)

Definitions

Home Education Program - a program conducted in compliance with law by the parent/guardian or person having legal custody of a child. A home education program shall not be considered a nonpublic school under the provisions of law.[\[2\]](#)

Supervisor - the parent/guardian or person having legal custody of a child who is responsible for providing instruction, provided that such person has a high school diploma or its equivalent.

Hearing Examiner - shall not be an officer, employee or agent of the Department of Education or of the school district or intermediate unit of residence of the child in the home education program.

Appropriate Education - a program consisting of instruction in the required subjects for the time required by law and in which the student demonstrates sustained progress in the overall program.

Guidelines

Eligibility/Affidavits

A notarized affidavit of the parent/guardian or person having legal custody of the child shall be filed prior to commencement of the home education program and annually thereafter on or before August 1 with the Superintendent. The affidavit shall set forth:[\[2\]](#)

1. Name of the supervisor of the home education program who will be responsible for the provision of instruction.
2. Name and age of each child who will participate in the home education program.
3. Address and telephone number of the home education program site.
4. That subjects required by law are offered in the English language, including an outline of proposed education objectives by subject area.
5. Evidence that the child has been immunized and has received the health and medical services required for students of the child's age or grade level.[\[4\]](#)[\[5\]](#)
6. Certification signed by the supervisor that the supervisor, all adults in the home and persons having legal custody of a child in the home education program have not been convicted of criminal offenses as enumerated in the School Code.[\[6\]](#)

Transfers

When a home education program is relocating to another school district, the supervisor is responsible to follow the requirements of law.[\[2\]](#)

Program

A student who is enrolled in a home education program shall be deemed to have met the requirements if the program provides a minimum of one hundred eighty (180) days of instruction, or nine hundred (900) hours of instruction per year at the elementary level, or nine hundred ninety (990) hours per year at the secondary level.[\[2\]](#)

At the elementary level, the following courses shall be taught: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; music; and art.

At the secondary level, the following courses shall be taught: English, to include language, literature, speech and composition; science; geography; social studies, to include civics, world history, history of the United States and Pennsylvania; mathematics, to include general mathematics, algebra and geometry; art; music; physical education; health; and safety education, including regular and continuous instruction in the dangers and prevention of fires.

Courses of study may include, at the discretion of the supervisor: economics; biology; chemistry; foreign languages; trigonometry; or other age appropriate courses required by the State Board of Education.[\[2\]](#)

Requirements of Supervisor

In order to demonstrate that appropriate education is occurring, the supervisor shall provide and maintain on file for each student enrolled in the home education program a portfolio of records and materials.[\[2\]](#)

The portfolio shall consist of a log, made contemporaneously with the instruction, that designates by title the reading materials used; samples of any writings; worksheets, workbooks or creative materials used or developed by the student; and in grades three, five and eight results of nationally normed standardized achievement tests in reading, language arts and mathematics or results of statewide tests administered in these grade levels.

The supervisor shall ensure that the nationally normed standardized tests or the statewide tests are not administered by the child's parent/guardian or the supervisor.

Evaluation Requirements

A teacher or administrator who evaluates a portfolio at the elementary level or secondary level shall meet the requirements established in law.[\[2\]](#)

An annual written evaluation of the student's educational progress as determined by a licensed clinical or school psychologist, a teacher certified by the Commonwealth, or a nonpublic school teacher or administrator is required. The evaluation shall also be based on an interview of the child and a review of the portfolio and shall certify whether or not an appropriate education is occurring. In no event shall the evaluator be the supervisor or his/her spouse or significant other.

Documentation required by this policy shall be provided to the district Superintendent or designee at the conclusion of each school year. The Superintendent shall determine whether the child is receiving appropriate education, as defined in this policy and law, as a program consisting of instruction in the required subjects for the time required and in which the student demonstrates sustained progress in the overall program.

If the Superintendent or designee has a reasonable belief that, at any time during the school year, appropriate education may not be occurring in the home education program, s/he may require documentation pertaining to the portfolio to be submitted to the district by certified mail with return receipt requested within fifteen (15) days, and the evaluation to be submitted within thirty (30) days.

If the Superintendent or designee determines, based on documentation, that appropriate education is not occurring, s/he shall send a letter to the supervisor stating that in his/her opinion appropriate education is not occurring in the home education program and shall return all documentation, specifying what aspect(s) of the documentation are inadequate.

The supervisor of the program shall have twenty (20) days from receipt of the certified letter to submit additional documentation demonstrating that appropriate education is taking place. If documentation is not submitted within that time, the home education program shall be out of compliance; and the student shall be promptly enrolled in the public or a nonpublic school.

Right of Hearing

The Board shall provide for a proper hearing by a duly qualified and impartial hearing examiner within thirty (30) days. The examiner shall render a decision within fifteen (15) days of the hearing, except that s/he may require the establishment of a remedial education plan, mutually agreed to by the Superintendent and supervisor of the home education program, which shall continue the home education program. The decision of the examiner may be appealed by either the supervisor or the Superintendent to the Secretary of Education or Commonwealth Court.[2]

If the hearing examiner finds that the documentation does not indicate that appropriate education is taking place in the home education program, the home education program shall be out of compliance; and the student shall be promptly enrolled in a public or nonpublic school.

Loan of Instructional Materials

The district shall, at the request of the supervisor, lend to the home education program copies of the school's planned courses, textbooks, and other curriculum materials appropriate to the student's age and grade level.[2]

Graduation Requirements

The following minimum courses in grades 9 through 12 are established as a requirement for graduation in a home education program: four (4) years of English; three (3) years of mathematics; three (3) years of science; three (3) years of social studies; two (2) years of arts and humanities.[2]

The school district is under no obligation to award a diploma or acknowledge completion of a student's education in a home education program.

Students With a Disability

A home education program shall meet compulsory attendance requirements for a student with a disability only when the program addresses the specific needs of the student and is approved by a teacher with a valid education certificate from the Commonwealth to teach special education, or a licensed clinical or certified school psychologist. Written notice of such approval must be submitted with the required affidavit.[1]

The supervisor may request that the school district or intermediate unit of residence provide services that address the specific needs of a student with a disability.

When the provision of services is agreed to by both the supervisor and the school district or intermediate unit, all services shall be provided in the public schools or in a private school licensed to provide such programs and services.

Legal

[1. 24 P.S. 1327](#)

[2. 24 P.S. 1327.1](#)

[3. 22 PA Code 11.31a](#)

4. Pol. 203

5. Pol. 209

[6. 24 P.S. 111](#)

[7. 22 PA Code 4.1 et seq](#)



Book	Policy Manual
Section	100 Programs
Title	Extracurricular Participation by Home Education Students
Code	137.1
Status	Active
Adopted	November 20, 2006
Last Revised	January 17, 2022

Authority

The Board shall approve participation in the district's extracurricular activities and interscholastic athletic programs by a student enrolled in a home education program who meets all the conditions stated in Board policy.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

The Board shall not provide individual transportation for students enrolled in home education programs who participate in the district's extracurricular activities or interscholastic athletic programs. When the district provides transportation to and from an away competition, game, event or exhibition and requires district students to use district transportation, home education students shall be required to use the transportation provided by the district.

Guidelines

Students attending home education programs shall be given an equal opportunity to compete for positions and participate in district extracurricular activities and interscholastic athletic programs, including, as applicable, Junior Reserve Officers' Training Corps (JROTC) units.[\[6\]](#)

A home education student may participate in extracurricular activities and interscholastic athletic programs only at the school building the student would be assigned to if the student was enrolled in the school district.

Prior to trying-out or joining an activity, a home education student shall submit required documents and written verification of eligibility to the building principal or designee.

To be considered in attendance in accordance with Board policy, the home education student must participate in a full, normally scheduled academic program, in accordance with the planned home education program and submitted documentation.[\[5\]](#)[\[7\]](#)

The following conditions shall govern participation in the district's extracurricular activities and interscholastic athletic programs by home education students, who shall:

1. Be a resident of the school district.
2. Meet the required eligibility criteria.[\[3\]](#)[\[4\]](#)
3. Maintain appropriate insurance coverage, consistent with the coverage requirements for district students.[\[4\]](#)
4. Comply with Board policies and school rules and regulations regarding extracurricular activities, interscholastic athletics, and student discipline.[\[3\]](#)[\[4\]](#)[\[8\]](#)
5. Comply with policies, rules and regulations, or their equivalent, of the activity's governing organization.[\[1\]](#)[\[2\]](#)

6. Meet attendance and reporting requirements established for all participants of the activity or program.[7]
7. Meet the requirements for physical examinations and physical fitness and any height and/or weight restrictions.[1][4]
8. Comply with all requirements and directives of the district staff, coaches and administrators involved with the extracurricular activity or interscholastic athletic program.

Delegation of Responsibility

The building principal or designee shall ensure that home education students have access to information regarding the district's extracurricular activities and interscholastic athletic programs.

The building principal or designee shall receive and review verification from the parent/guardian that a student has met and continues to meet the established eligibility criteria for an extracurricular activity or interscholastic athletic program.

The building principal or designee shall distribute information regarding eligibility criteria and student participation in extracurricular activities and interscholastic athletics to all affected by them.

Legal

[1. 24 P.S. 1327.1](#)

[2. 24 P.S. 511](#)

3. Pol. 122

4. Pol. 123

5. Pol. 137

[6. 10 U.S.C. 2031](#)

7. Pol. 204

8. Pol. 218



Book	Policy Manual
Section	100 Programs
Title	Participation in Cocurricular Activities and Academic Courses by Home Education Students
Code	137.2-NEW
Status	From PSBA

Authority

The Board approves participation in the district's cocurricular activities and academic courses by a student enrolled in a home education program who meets all the requirements stated in law and Board policy.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

Definition

Cocurricular activities - district activities that merge extracurricular activities with a required academic course, including but not limited to, band, orchestra and other activities that include a for-credit component that takes place during the school day.[\[1\]](#)[\[2\]](#)[\[4\]](#)

Guidelines

Students attending home education programs shall be given an equal opportunity to compete for positions and participate in district cocurricular activities and academic courses in accordance with Board policy on the same basis as other students enrolled full-time in the district.[\[1\]](#)[\[6\]](#)[\[7\]](#)

A home education student may participate in cocurricular activities and academic courses only at the school building the student would be assigned to if the student was enrolled in the district.

Prior to trying-out or auditioning for a cocurricular activity or enrolling in an academic course, a home education student shall submit required documents and written verification of eligibility or completion of prerequisites to the building principal or designee. Verification may include, but not be limited to, attendance records, portfolio records documenting completion of curriculum or other documents demonstrating completion of eligibility criteria.[\[1\]](#)

The following conditions shall govern participation in the district's cocurricular activities and academic courses by home education students, who shall:

- 1. Be a resident of the district.**
- 2. Meet the required eligibility criteria or their equivalent for the cocurricular activity or the prerequisites for the academic course.**[\[1\]](#)[\[2\]](#)[\[8\]](#)
- 3. Comply with Board policies and school rules and administrative regulations regarding student conduct in school and at school-sponsored activities.**[\[1\]](#)[\[2\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)
- 4. Comply with policies, rules and regulations, or their equivalent, of the cocurricular activity's governing organization, where applicable.**
- 5. Meet attendance and reporting requirements established for all participants of the cocurricular activity or academic course, including any sign-in and sign-out procedures for school building attendance purposes. Home education students must participate in the full class period for an academic course, unless an exception has been granted in accordance**

with Board policy and school rules.[13]

6. **Comply with all Board policies, school rules and requirements and directives of the district staff, activity advisors and administrators involved with the cocurricular activity or academic course.**[\[1\]](#)

Academic Courses

Students attending home education programs are eligible to enroll in district academic courses in accordance with law and Board policy, and may participate in academic courses equaling up to one-quarter ($\frac{1}{4}$) of the school day for full-time district students.[\[1\]](#)

Students enrolled in home education programs shall only be eligible to participate in cocurricular activities and/or academic courses that are scheduled in consecutive time periods during the school day if the student's parent/guardian is not able to provide supervision for the student between the scheduled cocurricular activities and/or academic courses.[\[1\]](#)

The district shall provide the student's home education program supervisor with a grade for each cocurricular activity and academic course completed by a student enrolled in a home education program, in accordance with Board policy and administrative regulations. The home education program supervisor shall be responsible for maintaining the material in the student's portfolio of records.[\[1\]](#)[\[3\]](#)[\[14\]](#)

Transportation

Parents/Guardians of home education students shall be responsible for transportation of students participating in district cocurricular activities and academic courses, except that a home education student may utilize district transportation to or from school during the times a bus is otherwise already operating, and space is available.[\[1\]](#)

Delegation of Responsibility

The Superintendent or designee shall post information regarding the district's cocurricular activities and academic courses, as well as a copy of this Board policy, on the district's publicly available website and provide participation information upon request by students enrolled in home education programs or their parents/guardians.

The building principal or designee shall request and review verification from the parent/guardian or home education program supervisor that a student has met and continues to meet the established eligibility criteria for a cocurricular activity or academic course.

The Superintendent or designee shall establish administrative regulations for prioritization of enrollment in district cocurricular activities and academic courses based on the established number of allowable participants in designated activities and courses.[\[1\]](#)

Prioritization may be based on academic achievement, demonstration of skills or competencies, record of conduct, and other designated criteria. Students attending home education programs shall have an equal opportunity to compete for enrollment in district activities and courses, in accordance with established administrative regulations.[\[1\]](#)[\[6\]](#)[\[7\]](#)

Legal

[1. 24 P.S. 1327.1](#)

2. Pol. 122

3. Pol. 137

4. Pol. 137.1

5. Pol. 137.3

6. Pol. 103

7. Pol. 103.1

8. Pol. 105

9. Pol. 218

10. Pol. 222

11. Pol. 227

12. Pol. 235

13. Pol. 204

14. Pol. 212



Book	Policy Manual
Section	100 Programs
Title	Participation in Career and Technical Education Programs by Home Education Students
Code	137.3-NEW
Status	From PSBA

Authority

The Board approves participation in a career and technical education program by a student enrolled in a home education program who meets all the requirements stated in law and Board policy.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)

Students attending home education programs shall be eligible to participate in a career and technical education program at Northern Westmoreland Career and Technology Center, in accordance with the Articles of Agreement and center admission policy and procedures, on the same basis as other district students.

Guidelines

Students attending home education programs shall be given an equal opportunity to apply for placement in available programs at Northern Westmoreland Career and Technology Center.[\[1\]](#)[\[3\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)

Prior to enrolling in a career and technical education program, a home education student shall submit required documents and written verification of eligibility or completion of prerequisites to the building principal or designee. Verification may include, but not be limited to, attendance records, portfolio records documenting completion of curriculum or other documents demonstrating completion of eligibility criteria.[\[1\]](#)

The following conditions shall govern participation in career and technical education programs by home education students, who shall:

- 1. Be a resident of the district.**
- 2. Meet the required eligibility criteria or their equivalent or the prerequisites for the career and technical education program.**[\[1\]](#)[\[4\]](#)[\[6\]](#)[\[9\]](#)
- 3. Comply with applicable policies and school rules and administrative regulations of Northern Westmoreland Career and Technology Center regarding student conduct in school and at school-sponsored activities.**[\[1\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)
- 4. Meet attendance and reporting requirements established for all participants of the career and technical education program, including any sign-in and sign-out procedures for building attendance purposes. Home education students must participate in the required courses for the program on the same basis as students enrolled in the district, unless an exception has been granted in accordance with applicable Board policy and school or program rules.**[\[14\]](#)

The Northern Westmoreland Career and Technology Center shall provide the student's home education program supervisor with a grade for each career and technical education program course completed by a student enrolled in a home education program, in accordance with Board policy and administrative regulations. The home education program supervisor shall be responsible for maintaining the material in the student's portfolio of records.[\[1\]](#)[\[5\]](#)[\[15\]](#)

Transportation

Students attending home education programs who participate in career and technical education programs may use district transportation to or from the career and technical education program during the times when district transportation is already operating, and space is available in addition to full-time district students.[\[1\]](#)

Delegation of Responsibility

The Superintendent or designee shall post information regarding the district's options for career and technical education programs, as well as a copy of this Board policy, on the district's publicly available website and provide information upon request by students enrolled in home education programs or their parents/guardians.

The building principal or designee shall request and review verification from the parent/guardian or home education program supervisor that a student has met and continues to meet the established eligibility criteria for participation in career and technical education programs.

The Superintendent or designee shall establish administrative regulations for prioritization of enrollment in career and technical education programs, in accordance with the Articles of Agreement and the established number of allowable participants for designated programs at Northern Westmoreland Career and Technology Center.[\[1\]](#)

Prioritization may be based on academic achievement, demonstration of skills or competencies, record of conduct, and other designated criteria. Students attending home education programs shall have an equal opportunity to compete for program enrollment, in accordance with established administrative regulations.[\[1\]](#)[\[4\]](#)[\[7\]](#)[\[8\]](#)

Legal

[1. 24 P.S. 1327.1](#)

[2. 24 P.S. 1801](#)

[3. 22 PA Code 4.31](#)

4. Pol. 115

5. Pol. 137

6. Pol. 137.2

7. Pol. 103

8. Pol. 103.1

9. Pol. 105

10. Pol. 218

11. Pol. 222

12. Pol. 227

13. Pol. 235

14. Pol. 204

15. Pol. 212



Book	Policy Manual
Section	100 Programs
Title	Limited English Proficiency Program
Code	138
Status	Active
Adopted	May 15, 2006

Purpose

In accordance with the Board's philosophy to provide a quality educational program to all students, the district shall provide an appropriate planned instructional program for identified students whose dominant language is not English. The purpose of the program shall be to increase the English language proficiency of eligible students so that they can attain the academic standards adopted by the Board and achieve academic success. Students who have Limited English Proficiency (LEP) will be identified, assessed and provided appropriate services.

Authority

The Board shall adopt a program of educational services for each student whose dominant language is not English. The program shall include bilingual/bicultural or English as a Second Language instruction. The program shall be based on effective research-based theory, be implemented with sufficient resources and appropriately trained staff, and be evaluated periodically.[\[1\]](#)[\[2\]](#)[\[3\]](#)

The Board shall include the provisions for the LEP program in its Strategic Plan and appropriate training for professional staff in its Professional Education Plan.[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)

The Board may contract with Westmoreland Intermediate Unit # 7 for Limited English Proficiency services and programs.

Delegation of Responsibility

The Superintendent or designee shall implement and supervise an LEP program that ensures appropriate LEP instruction in each school and complies with federal and state laws and regulations.

The Superintendent or designee, in conjunction with appropriate stakeholders, shall develop and disseminate written procedures regarding the LEP program, including:

1. Program goals.
2. Student enrollment procedures.
3. Assessment procedures for program entrance, measurement of progress, and program exit.
4. Classroom accommodations.
5. Grading policies.
6. List of resources, including support agencies and interpreters.

Guidelines

The district shall establish procedures for identifying students whose dominant language is not English. The Home Language Survey shall be completed for each student enrolled in the district and be filed in the student's permanent record folder through graduation. For students whose dominant language is not English, assessment of the student's English proficiency level must be completed to determine the need for English as a Second Language instruction.[\[3\]](#)[\[10\]](#)[\[11\]](#)

Students whose dominant language is not English should be enrolled in the district upon presentation of a local address and proof of immunization. Students shall have access to and be encouraged to participate in all academic and extracurricular activities available in the district.[\[12\]](#)

Students participating in LEP programs shall be required, with accommodations, to meet established academic standards and graduation requirements adopted by the Board.[\[3\]](#)

The LEP program shall be designed to provide instruction that meets each student's individual needs, based on the assessment of English proficiency in listening, speaking, reading and writing. Adequate content area support shall be provided while the student is learning English, to assure achievement of academic standards.

The LEP program shall be evaluated for effectiveness as required, based on the attainment of English proficiency, and shall be revised when necessary.[\[3\]](#)

Certified professional employees and appropriate support staff, when necessary, shall provide the LEP program.[\[13\]](#)[\[9\]](#)

At the beginning of each school year, the district shall notify parents/guardians of students qualifying for LEP programs regarding the instructional program and parental options, as required by law. Parents/Guardians will be regularly apprised of their student's progress. Communications with parents/guardians shall be in the language understood by the parents/guardians, whenever possible.[\[3\]](#)

The district shall maintain an effective means of outreach to encourage parental involvement in the education of their children.[\[3\]](#)

Legal

- [1. 22 PA Code 4.26](#)
- [2. 42 U.S.C. 2000d](#)
- [3. 20 U.S.C. 6801 et seq](#)
- [4. 22 PA Code 4.13](#)
- [5. 24 P.S. 1205.1](#)
- [6. 24 P.S. 1205.2](#)
7. Pol. 100
8. Pol. 333
9. Pol. 433
- [10. 22 PA Code 11.11](#)
11. Pol. 200
- [12. 20 U.S.C. 1703](#)
13. Pol. 404



Book	Policy Manual
Section	100 Programs
Title	Charter Schools
Code	140
Status	Active
Adopted	May 15, 2006
Last Revised	November 17, 2014

Purpose

In order to provide students, parents/guardians and community members an opportunity to establish and maintain schools that operate independently from this school district, the Board shall evaluate applications submitted for charter schools located within the district, in accordance with the requirements of law and those established by the Board.[\[1\]](#)

The Board shall work cooperatively with individuals and groups submitting proposals and applications for charter schools.

Definitions

Appeal Board means the State Charter School Appeal Board established by the Charter School Law.[\[2\]](#)

Board of Trustees of a charter school shall be classified as public officials.[\[3\]](#)

Charter School means an independent, nonsectarian public school established and operated under a charter from the local Board in which students are enrolled or attend. A charter school must be organized as a public, nonprofit corporation; and charters may not be granted to any for-profit entity nor to support home education programs.[\[2\]](#)[\[3\]](#)[\[5\]](#)

Local Board of Directors (Board) means the Board of Directors of the school district in which a proposed or approved charter school is located.[\[2\]](#)

Regional Charter School means an independent public school established and operated under a charter from more than one local Board and approved by an affirmative vote of a majority of all Board members of each of the school districts involved.[\[2\]](#)[\[15\]](#)

Authority

The Board shall evaluate submitted applications for charter schools based on the criteria established by law, regulations and any additional criteria required by the Board.[\[5\]](#)

A charter school application shall be approved or denied by a majority vote of all Board members at a public meeting, in accordance with the provisions of law. Written notice of the Board's decision shall be sent to the applicant, Department of Education and the Appeal Board, including reasons for denial and a clear description of application deficiencies if the application is denied. The Board shall evaluate denied applications that are revised and resubmitted.[\[5\]](#)[\[6\]](#)

Upon approval of a charter application, the Board and the charter school's Board of Trustees shall sign the written charter, which shall be binding on both. The charter shall be for a period of three (3) to five (5) years and may be renewed for five-year periods by the Board.[\[7\]](#)

The Board shall not cap nor limit the number of district students enrolling in a charter school, unless agreed to by the charter school as part of the written charter.[\[8\]](#)

The Board may approve a leave of absence for up to five (5) years for a district employee to work in a charter school located in the district of employment or in a regional charter school in which the employing district is a participant, and the employee shall have the right to return to a comparable position in the district. The Board at its discretion may grant tenure to a temporary professional employee on leave from this district to teach in a charter school located in the district, upon completion of the appropriate probation period.[\[9\]](#)

The Board shall annually assess whether each charter school is meeting the goals of its charter and shall require each charter school to submit an annual report no later than August 1 of each year.[\[10\]](#)

The Board shall conduct a comprehensive review prior to granting a five-year renewal of the charter.[\[10\]](#)

The Board shall have ongoing access to the records and facilities of the charter school to ensure that the charter school is in compliance with its charter, Board policy and applicable laws.[\[10\]](#)

In cases where the health or safety of the charter school's students, staff or both is at serious risk, the Board may take immediate action to revoke a charter.[\[11\]](#)

The Board affirms that the Board of Trustees and the charter school shall be solely liable for any and all damages and costs of any kind resulting from any legal challenges involving the operation of a charter school. The local Board shall not be held liable for any activity or operation related to the program of a charter school.[\[12\]](#)

Delegation of Responsibility

Applications for charter schools shall be submitted to the Superintendent or designee, who shall be responsible for communicating and cooperating with all applicants.

The Superintendent or designee shall be responsible to assist applicants with plans for technical assistance and contracted services that may be provided by the district.

Guidelines

A charter school shall be subject to all federal and state laws and regulations prohibiting discrimination in admissions, employment and operation on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry or need for special education services.[\[3\]](#)

Transportation

The district shall provide transportation to resident students attending a charter school located in the district, a regional charter school of which the district is a member, and a charter school located within ten (10) miles outside district boundaries, in accordance with distance requirements established for district students.[\[13\]](#)

Transportation shall be provided to charter school students on the dates and periods that the charter school is in session, regardless of whether transportation is provided to district students on those days.

Applications

Applications for charter schools must contain all the information specified in the Charter Schools Law and any additional information required by the Board.[\[5\]](#)[\[14\]](#)

Applications for charter schools shall be submitted to the Board by November 15 of the school year preceding the school year in which the school will be established.[\[5\]](#)

Within forty-five (45) days of receipt, the Board shall hold at least one (1) public hearing on the charter application, in accordance with law. At least forty-five (45) days must pass between the first public hearing and the final decision of the Board. No later than seventy-five (75) days after the first public hearing, the Board shall grant or deny the application.[\[5\]](#)

Insurance/Risk Management

The charter school shall adequately protect against liability and risk through an active risk management program approved by the Board. The program shall include proof of purchase of insurance coverages as required by the Board.^{[14][12]}

Minimum coverages and levels of appropriate coverages shall be established in the charter.

A charter school shall operate in a manner that minimizes the risk of injury and harm to students, employees and others.

Legal

[1. 24 P.S. 1702-A](#)

[2. 24 P.S. 1703-A](#)

[3. 24 P.S. 1715-A](#)

[5. 24 P.S. 1717-A](#)

[6. 65 Pa. C.S.A. 701 et seq](#)

[7. 24 P.S. 1720-A](#)

[8. 24 P.S. 1723-A](#)

[9. 24 P.S. 1724-A](#)

[10. 24 P.S. 1728-A](#)

[11. 24 P.S. 1729-A](#)

[12. 24 P.S. 1727-A](#)

[13. 24 P.S. 1726-A](#)

[14. 24 P.S. 1719-A](#)

[15. 24 P.S. 1718-A](#)

[24 P.S. 1701-A et seq](#)



Book	Policy Manual
Section	100 Programs
Title	Extracurricular Participation by Charter/Cyber Charter Students
Code	140.1
Status	Active
Adopted	May 15, 2006

Authority

The Board shall approve participation in the district's extracurricular activities and interscholastic athletic programs by a student enrolled in a charter or cyber charter school if all of the following conditions are met:[\[1\]](#)
[\[6\]](#)

1. The student is a resident of the school district.
2. The charter or cyber charter school does not provide the same extracurricular activity or interscholastic athletic program.
3. The student fulfills all requirements for participation in the activity or program required for district students.

The Board shall not provide transportation for individual students enrolled in charter or cyber charter schools who participate in the district's extracurricular activities or interscholastic athletic programs.

The Board may require the charter or cyber charter school to pay the cost of the expenses for its students' participation in the district's extracurricular activities or interscholastic athletic programs.

Guidelines

Charter and cyber charter school students shall be given an equal opportunity to compete for positions in extracurricular activities and interscholastic athletic programs.

The following guidelines shall govern participation in the district's extracurricular activities and interscholastic athletic programs by eligible charter and cyber charter school students, who shall:

1. Meet the same eligibility criteria required of district students.[\[3\]](#)[\[4\]](#)
2. Maintain appropriate insurance coverage, consistent with the coverage requirements for district students.
3. Comply with Board policies and school rules and regulations regarding extracurricular activities and interscholastic athletics.
4. Comply with Board policies and school rules and regulations regarding student discipline.[\[5\]](#)
5. Meet the requirements for physical examinations and physical fitness.
6. Comply with all requirements and directives of the district staff, coaches and administrators involved with the extracurricular activity or interscholastic athletic program.

A charter or cyber charter school student may only participate in extracurricular activities and interscholastic athletic programs at the school building closest to the charter or cyber charter school or at the school building the student would be assigned to if s/he was enrolled in the school district.

Delegation of Responsibility

The building principal or designee shall receive and review from the charter or cyber charter school written confirmation that a student has met and continues to meet the established participation requirements for the extracurricular activity or interscholastic athletic program. The confirmation shall include the student's attendance record and grades, where applicable.

Legal

[1. 24 P.S. 1719-A](#)

3. Pol. 122

4. Pol. 123

5. Pol. 218

[6. 24 P.S. 1749-A](#)



Book	Policy Manual
Section	100 Programs
Title	Standards for Persistently Dangerous Schools
Code	143
Status	Active
Adopted	May 15, 2006

Purpose

The Pennsylvania Department of Education, as required by the Unsafe School Choice Option provision of the No Child Left Behind Act of 2001 (Section 9532), hereby adopts the following standards for identifying persistently dangerous schools.[\[1\]](#)[\[2\]](#)

Definitions

As used in these standards, the following terms shall be defined as provided herein:[\[3\]](#)

Dangerous incidents - shall include both weapons possession incidents resulting in arrest (guns, knives or other weapons) and violent incidents resulting in arrest (homicide, kidnapping, robbery, sexual offenses and assaults) as reported on the Violence and Weapons Possession Report (PDE-360).

Department - shall mean the Pennsylvania Department of Education.

Local Educational Agency or LEA - shall include a school district, an area vocational-technical school, an intermediate unit or a charter school.

Persistently dangerous school - shall mean any public elementary, secondary or charter school that meets any of the following criteria in the most recent school year and in one (1) additional year of the two (2) years prior to the most recent school year:

1. For a school whose enrollment is 250 or less - at least five (5) dangerous incidents.
2. For a school whose enrollment is between 251 to 1,000 - a number of dangerous incidents that represents at least 2% of the school's enrollment.
3. For a school whose enrollment is over 1,000 - twenty (20) or more dangerous incidents.

Safe public school - shall mean a public school that has not been designated as a persistently dangerous school under these standards or that has had such designation removed by the Department.

Guidelines

Student Opportunity to Transfer

1. Except as provided below, a student who attends a persistently dangerous school must be offered the opportunity to transfer to a safe public school within the LEA, including a charter school.
2. A student who attends a persistently dangerous school may apply to transfer at any time while the school maintains that designation.

Responsibility

Department of Education's Responsibilities

1. The Department shall identify those schools that meet or exceed the criteria for a persistently dangerous school by analyzing the Annual Report on School Violence and Weapons Possession (PDE-360). In

identifying persistently dangerous schools, the Department will use the most recent data available to it from the reporting LEA, and will take all reasonable steps to verify that the data is valid and reliable.

2. After review and verification of PDE-360 data, the Department shall promptly inform an LEA when any of its schools meets the definition of persistently dangerous school.
3. The Department shall provide technical assistance to the LEA in developing a corrective action plan. The Department shall review proposed corrective action plans submitted by LEAs and shall approve suitable corrective action plans.
4. After approval of the corrective action plan, the Department shall conduct a site visit to each persistently dangerous school to assess the school's progress in implementing the plan. If no significant improvement is observed, the Department may require the LEA to submit a revised corrective action plan for that school.
5. The Department shall reassess a school's designation as persistently dangerous at the end of the school year during which its corrective action plan is completed.
6. During the reassessment described above, the Department shall remove the designation if the school no longer meets the definition of persistently dangerous school.

LEA's Responsibilities

1. Pursuant to Pennsylvania's Safe Schools Act, Act 26 of 1995, as amended, all school entities as defined by the Act must report to the Department all incidents involving acts of violence; possession of a weapon; or the possession, use, or sale of a controlled substance, alcohol, or tobacco by any person on school property or at school-sponsored events or on school transportation to and from school or school-sponsored activities.[\[4\]](#)
2. Within ten (10) school days of receiving notification by the Department, an LEA shall notify the parent or legal guardian of each student who attends the school that the Department has identified the school as persistently dangerous.
3. The LEA shall offer all students who attend the school the opportunity to transfer to a safe public school, including a charter school, within the LEA.
4. The notification and offer to transfer shall state that no student is required to transfer to another school.
5. Upon receipt of an application to transfer, the LEA shall transfer the student within thirty (30) calendar days.
6. When considering a student's request to transfer to another school, the LEA should take into account the particular needs of the student and the parent/ guardian.
7. To the extent possible, the LEA should allow the student to transfer to a school that is making adequate yearly progress, and one that is not identified as being in school improvement, corrective action, or restructuring.
8. A charter school only has to accept a student who meets its admission criteria if space is available.
9. If there is not another safe school within the LEA to which students may transfer, the LEA is encouraged, but not required, to establish an agreement with a neighboring LEA to accept the transfer of students.
10. The LEA must submit a corrective action plan to the Department within thirty (30) calendar days of receiving notification that a school has been identified as persistently dangerous.
11. The LEA must receive approval from the Department for its corrective action plan and shall implement all steps contained in its corrective action plan within the time periods specified in that plan.
12. After the Department has notified an LEA that a school is no longer identified as a persistently dangerous school, the LEA is encouraged to permit students who transferred to complete their education at their new school. LEAs may not require students to return to their original school if the students are enrolled in a charter school.[\[5\]](#)[\[3\]](#)[\[1\]](#) [\[2\]](#)

[2. 20 U.S.C. 7912](#)

[3. 22 PA Code 403.2](#)

[4. 24 P.S. 1303-A](#)

[5. 22 PA Code 403.1](#)



Book	Policy Manual
Section	100 Programs
Title	Standards for Victims of Violent Crimes
Code	144
Status	Active
Adopted	May 15, 2006

Purpose

The Pennsylvania Department of Education, as required by the Unsafe School Choice Option provision of the No Child Left Behind Act of 2001 (Section 9532), hereby adopts the following standards for a student who becomes a victim of a violent criminal offense while in or on the grounds of the public elementary or secondary school that s/he attends.[\[1\]\[2\]](#)

Definitions

As used in these standards, the following terms shall be defined as provided herein:[\[3\]](#)

Local Educational Agency or LEA - shall include a school district, an area vocational-technical school, an intermediate unit or a charter school.

Safe public school - shall mean a public school that has not been designated as a persistently dangerous school under the standards for identifying persistently dangerous schools or that has had such designation removed by the Department.

Victim or student victim - shall mean the student against whom a violent criminal offense has been perpetrated while the student was in or on the grounds of the public elementary or secondary school that s/he attends.

Violent criminal offense - is defined as any of the following offenses that are set forth in Title 18 of the Pennsylvania Consolidated Statutes:

1. Kidnapping.
2. Robbery.
3. Aggravated assault (on the student).
4. Rape.
5. Involuntary deviate sexual intercourse.
6. Sexual assault.
7. Aggravated indecent assault.
8. Indecent assault.
9. Attempt to commit any of the following: homicide, murder or voluntary manslaughter.

Guidelines

Student Opportunity to Transfer

1. Except as provided below, a student who becomes a victim of a violent criminal offense while in or on the grounds of the public elementary or secondary school that s/he attends, must be offered the opportunity to transfer to a safe public school within the LEA, including a charter school.
2. In order for a student victim to be entitled to transfer to another school under these standards, the violent criminal offense first must be reported to law enforcement authorities by the student, the student's parent/guardian, or school officials.
3. A student victim (or his/her parent/guardian) may apply to the LEA to transfer to another school within thirty (30) calendar days after the incident is reported to school authorities.

Responsibility

LEA's Responsibilities

1. Within ten (10) calendar days of receiving notice of the violent criminal offense, the LEA shall notify the student victim that s/he has the right to transfer to a safe public elementary or secondary school within the LEA, including a public charter school.
2. The notification and offer to transfer shall state that no student is required to transfer to another school.
3. Upon receipt of an application to transfer, the LEA should transfer the student as soon as possible, and shall transfer the student within ten (10) calendar days after receiving the application.
4. When considering a student's request to transfer to another school, the LEA should take into account the particular needs of the student and the parent/ guardian.
5. To the extent possible, the LEA should allow the student to transfer to a school that is making adequate yearly progress, and one that is not identified as being in school improvement, corrective action, or restructuring.
6. A charter school only has to accept a student who meets its admission criteria if space is available.
7. If there is not another safe school within the LEA to which students may transfer, the LEA is encouraged, but not required, to establish an agreement with a neighboring LEA to accept the transfer of students.

Legal

[1. 22 PA Code 403.6](#)

[2. 20 U.S.C. 7912](#)

[3. 22 PA Code 403.2](#)

[4. 22 PA Code 403.1](#)



Book	Policy Manual
Section	100 Programs
Title	Student Services
Code	146
Status	Active
Adopted	January 15, 2007
Last Revised	November 17, 2014

Authority

The Board directs that every six (6) years, the district shall develop a written plan for implementing a comprehensive and integrated K-12 program of student services, based on the needs of students. The plan shall be made available for public inspection and comment in the district's administrative offices and the nearest public library for a minimum of twenty-eight (28) days prior to approval by the Board.[\[1\]](#)[\[2\]](#)[\[3\]](#)

The Board directs that the student services plan shall be reviewed and revised as necessary.[\[2\]](#)

Guidelines

Services offered by community agencies in district schools shall be coordinated by and be under the general direction of the school district.[\[2\]](#)

The following categories of services shall be provided by the district and included in the student services plan:
[\[2\]](#)

1. Developmental services that address students' needs throughout their district enrollment, which include: guidance counseling, psychological services, health services, home and school visitor services, and social work services that support students in addressing academic, behavioral, health, personal and social development issues.[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)
2. Diagnostic, intervention and referral services for students experiencing problems attaining educational achievement appropriate to their learning potential.
3. Consultation and coordination services for students who are experiencing chronic problems that require multiple services by teams or specialists.

The district shall plan and provide for a Student Assistance Program (SAP) in accordance with applicable law and regulations.[\[9\]](#)[\[10\]](#)[\[11\]](#)

The district's student services shall:[\[2\]](#)

1. Be an integral part of the instructional program at all levels of the school system.
2. Provide information to students and parents/guardians about the educational opportunities of the school's instructional program and how to access those opportunities.
3. Provide career information and assessments to inform students and parents/guardians about work and career options available to individual students.[\[4\]](#)[\[12\]](#)
4. Provide basic health services required by law for students and provide information to parents/guardians about the health needs of their children.[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[13\]](#)

Delegation of Responsibility

The Superintendent or designee shall be responsible to develop, implement and monitor a student services plan that complies with state regulations and is available to all students.

The Superintendent or designee shall ensure that all persons delivering student services are specifically licensed or certified as required by law or regulations.[\[2\]](#).

Legal

[1. 22 PA Code 4.13](#)

[2. 22 PA Code 12.41](#)

3. Pol. 100

4. Pol. 112

5. Pol. 113

6. Pol. 209

7. Pol. 210

8. Pol. 210.1

[9. 24 P.S. 1547](#)

[10. 22 PA Code 12.42](#)

11. Pol. 236

12. Pol. 115

13. Pol. 227

Pol. 209.1

Pol. 235.1

Pol. 808



Book	Policy Manual
Section	100 Programs
Title	Trauma-Informed Approach
Code	146.1
Status	Active
Adopted	August 15, 2022

Purpose

The Board recognizes the impact that trauma may have on the educational environment of the schools, individual student achievement, and the school community as a whole. The Board desires to address the effects of trauma in order to meet the academic, behavioral, and professional needs of students and staff. The purpose of this policy is to direct district staff to develop and implement a plan for trauma-informed approaches to education throughout the district.

Definitions

Trauma - for purposes of this policy, includes effects of an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or threatening and that has lasting adverse effects on the individual's cognitive functioning and physical, social, emotional, mental or spiritual well-being. [\[1\]](#)

Trauma-informed approach - for purposes of this policy, includes a school-wide approach to education and a classroom-based approach to student learning that recognizes the signs and symptoms of trauma and responds by fully integrating knowledge about trauma into policies, professional learning, procedures, and practices for the purposes of recognizing the presence and onset of trauma, resisting the reoccurrence of trauma and promoting resilience tailored to the district's culture, climate and demographics and the community as a whole. [\[1\]](#)

Secondary trauma - the impact of working with students experiencing trauma on a regular basis, which may cause traumatic responses and/or burnout on the individual providing support and care.

Authority

The Board directs district staff to develop and implement a trauma-informed approach plan that uses evidence-based practices and reflects the needs and resources of the district and school community. [\[2\]](#)

The Board shall review current district resources, programs, school climate measures, partnerships with outside agencies, procedures, and Board policies through a trauma-informed lens, and shall make revisions or determinations as necessary to facilitate implementation of the district's trauma-informed approach plan.

This shall include, but not be limited to:

1. Student attendance policy and practices that focus on reasons for absence and school attendance improvement. [\[3\]](#)
2. Student disciplinary policies, practices, and a Code of Student Conduct that incorporate restorative practices. [\[4\]](#)[\[5\]](#)[\[6\]](#)
3. Curriculum and planned instruction that embeds social and emotional learning. [\[7\]](#)[\[8\]](#)
4. Student services policies and programs that focus on the development and support of students. [\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)

5. Policies and training that focus on building and maintaining appropriate, supportive relationships between adults and students in the school community.[15][16][17][18]
6. School wellness policy, instruction, and practices that promote healthy behaviors.[19]
7. Policies and practices that promote student safety and security, and build positive relationships with law enforcement agencies.[20][21][22][23][24]
8. Threat assessment policy and practices that focus on understanding a student's background in order to appropriately assess behavior and address the student's needs.[25]
9. Review of the annual budget to ensure financial resources for training and programs related to the trauma-informed approach plan.[26]
10. Review of the facilities and future facilities planning to provide environments that are attentive to the needs of students and staff with transition and sensory sensitivities.[27]
11. Culturally responsive practices that focus on identifying, valuing, and integrating the cultures, languages, heritage, and experiences of all students and staff to ensure a supportive school climate and community.

Delegation of Responsibility

The Board designates the Director of Special Education and Student Services to oversee the implementation of the district's trauma-informed approach plan and integrate the coordination of services and professional development into the district's comprehensive plan. The Director of Special Education and Student Services shall serve as a member of the district's Student Assistance Program team.[2][12][14][15][20][28]

The Board directs the Superintendent or designee to research and applies for available funding opportunities for the implementation of the district's trauma-informed approach plan aligned with the provisions of law.[2]

The Board directs the School Safety and Security Coordinator to include information regarding the district's implementation of the trauma-informed approach plan into the annual report to the Board on school safety and security practices.[22]

Guidelines

Training

The district's trauma-informed approach plan shall include provisions for evidence-based training and professional development, based on assigned roles and responsibilities, including but not limited to:[2]

1. Required training for newly elected/appointed or re-elected/appointed school directors on best practices related to trauma-informed approach, in accordance with applicable law and Board policy.[29][30]
2. Required training on trauma-informed approach for certificated administrative and professional employees as part of the professional education plan, in accordance with applicable law and Board policy.[15][31]
3. Training on trauma-informed approach and trauma-related topics for all district staff and contracted service personnel to increase knowledge and understanding of trauma's impact on students and staff.[15][32]
4. Training on a trauma-informed approach for all school security personnel employed or contracted by the district, as well as an invitation to training for local law enforcement agencies with which the district maintains a Memorandum of Understanding to increase knowledge and awareness in interacting with students who may have experienced trauma.[21][22]
5. Opportunities for volunteers, parents/guardians, and other community members to obtain resources or attend training or information sessions on trauma-related approaches and trauma-related topics impacting the school community.[17][18]

Screening

The Board directs district staff to identify and implement evidence-based screening tools for students and the school community based on the trauma-informed approach plan, and in accordance with applicable law and regulations, including obtaining parental consent where appropriate or required. Screening tools may include,

but are not limited to, those identifying the prevalence of Adverse Childhood Experiences (ACEs), social-emotional needs, and school climate indicators. Screening shall be conducted by qualified district staff or community agencies with which the district has a contract or other agreement.[12][14][25]

The trauma-informed approach plan shall require that screening results are reviewed by appropriate district staff or other contracted providers, and referrals for individual educational and behavioral services or evaluation for such services are made when indicated by an individual or universal screening. Identification and referrals for special education and related services evaluations shall comply with applicable state and federal laws and regulations, and Board policy.[10][11][33][34]

Services

The district's trauma-informed approach plan shall include provisions for identification of student needs, a referral system for individual assessments and coordination of services among the student and student's family, the school, and county-based services, community care organizations, public health entities, nonprofit youth service providers, community-based organizations, before-school or after-school care providers, or other similar community groups.[2]

Coordinated student services shall be based on the district's approved trauma-informed approach plan, which shall address recognition and response to the effects of trauma on education and instruction, absenteeism and school completion, and the secondary impact of trauma on school employees.[2]

The district's trauma-informed approach plan shall be implemented within the current framework for Multi-Tiered Systems of Support (MTSS) and Positive Behavioral Interventions and Supports (PBIS).

The trauma-informed approach plan shall address coordination with designated district staff and teams responsible for implementing the district's approved plan for K-12 student services and other district programs including, but not limited to, special education and related services, gifted education, guidance counseling, Student Assistance Program, threat assessment team, health services, and home and school visitor services.[9][10][11][12][13][14][25][30][33]

Parental notification and consent may be required prior to referral for or implementation of student services, in accordance with applicable law and regulations.[12][13][14]

The district shall develop partnerships with community-based services and organizations, public health entities, nonprofit youth service providers, and other community groups to implement the trauma-informed approach plan and provide referrals and/or services to address and mitigate the impact of trauma on students and staff in accordance with the district's approved plan and framework for support.

The Board shall, where appropriate, review and approve a Memorandum of Understanding or other agreement with each partnering organization or entity for the provision of services, in accordance with the resources of the district and the approved trauma-informed approach plan.

Education

The district's trauma-informed approach plan shall integrate age-appropriate instruction for students related to trauma-informed topics and social-emotional learning as part of the district's approved curriculum. Instructional topics may include, but not be limited to resilience; self-awareness, self-management, responsible decision-making, relationship skills and social awareness; safe and healthy choices and behaviors; coping strategies; and seeking help for self or others.[7][25]

Staff Wellness and Support

The district shall monitor and address the impact of trauma, including secondary trauma, on school employees as part of the trauma-informed approach plan. The plan shall include training and resources to identify the warning signs of trauma and provide confidential support and services to promote staff wellness, including but not limited to the Employee Assistance Program and a work environment that provides space for separation and self-regulation.

Data Collection and Plan Review

The district shall review and revise the trauma-informed approach plan as needed, based on a review of relevant data, district resources and programs, and the needs of students and staff. Such data may include, but not be limited to:

1. Aggregate data from evidence-based screening tools administered as part of the trauma-informed approach plan.
2. Anecdotal information from staff and students related to trauma and secondary trauma impact on the school environment.
3. Feedback from parents/guardians and the community on the district's implementation of a trauma-informed approach to education.
4. Results of school climate surveys and other student or staff surveys on the school environment.
5. Aggregate data on student absences, Student Assistance Program referrals, health and school nurse services, student removal discipline and graduation rates.
6. Aggregate data on Employee Assistance Program use and staff feedback on training related to the trauma-informed approach.
7. Office for Safe Schools reports.
8. Safe2Say Something aggregate data.
9. PBIS inventories and surveys.

Legal

[1. 24 P.S. 102](#)

[2. 24 P.S. 1311-B](#)

3. Pol. 204

4. Pol. 113.1

5. Pol. 218

6. Pol. 233

7. Pol. 105

8. Pol. 107

9. Pol. 112

10. Pol. 113

11. Pol. 114

12. Pol. 146

13. Pol. 209

14. Pol. 236

15. Pol. 333

16. Pol. 824

17. Pol. 917

18. Pol. 918

19. Pol. 246

20. Pol. 805

21. Pol. 805.1

22. Pol. 805.2

23. Pol. 806

24. Pol. 819

25. Pol. 236.1

26. Pol. 602

27. Pol. 701

28. Pol. 100

[29. 24 P.S. 328](#)

30. Pol. 004

[31. 24 P.S. 1205.7](#)

32. Pol. 818

33. Pol. 103.1

34. Pol. 113.3

[PA Commission on Crime and Delinquency, School Safety and Security Committee - Model Trauma-Informed Approach Plan](#)

Pol. 235.1



Book	Policy Manual
Section	100 Programs
Title	Title I - Comparability of Services
Code	150-NEW
Status	From PSBA

Purpose

The equivalent distribution of district resources is one means the district shall use to ensure all students receive a quality education. This policy demonstrates the district's commitment to ensure that no discrimination occurs in the distribution of resources funded by state and local sources, regardless of the receipt of federal funds.

Authority

The Board directs that each district school receiving Title I funds must use state and local funds to provide services that, taken as a whole, are at least comparable to services in those schools in the district that do not receive Title I funds.[1]

If all schools in the district receive Title I funds, the Board directs that state and local funds shall be used to provide services that, taken as a whole, are substantially comparable in each school. [1]

The Board acknowledges that comparability may be measured on a grade-span by grade-span basis or a school-by-school basis.

Definition

For purposes of this policy, grade span is defined as a similar two-grade span difference or less. For example, a grade span of K-2 to K-4, not a grade span of K-2 to K-5.

Delegation of Responsibility

If the district has more than one (1) building per grade span, the Federal Programs Coordinator shall complete a Detailed School Data Sheet.

Regardless of buildings per grade span, the Federal Programs Coordinator shall annually complete a Comparability Assurance Form to provide written assurance of equivalence among schools, including the provision of curriculum materials; instructional supplies; and teachers, administrators and other staff.

Guidelines

Allowable Exclusions

For the purposes of determining comparability, the district may exclude:[1]

- 1. State and local funds expended for language instruction education programs.[2]**
- 2. Excess costs associated with providing services to students with disabilities.[3][4][5]**

3. **Unpredictable changes in enrollment or personnel assignments occurring after the beginning of the school year.**
4. **Other expenditures from supplemental state or local funds consistent with the intent of Title I.**

Complaints

Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with Board policy.[6]

Legal

[1. 20 U.S.C. 6321](#)

2. Pol. 138

3. Pol. 103.1

4. Pol. 113

5. Pol. 114

6. Pol. 906



Book	Policy Manual
Section	100 Programs
Title	Therapy Dogs in Schools
Code	151
Status	Active
Adopted	January 16, 2023

Authority

The Kiski Area School District supports the use of therapy dogs for the benefit of its students subject to the conditions of this policy. Research has shown that therapy dogs have several social, emotional, and academic benefits for students. Therapy dogs may reduce stress, decrease anxiety, lower blood pressure, increase a sense of connection, teach empathy and interpersonal skills, help develop social skills, increase student engagement, increase school attendance, increase motivation, and increase reading and writing levels (due to decreased learner anxiety). A therapy dog aligns with the academic, social, and behavioral goals of the district.

Definitions

Therapy Dog - a therapy dog is a dog that has been individually trained, evaluated, and certified to work with its handler to provide animal-assisted activities, animal-assisted therapy, and animal-assisted interactions within the school or other facility. The therapy dog must be well-behaved and have a temperament that is suitable for interaction with students and others in a public school.

Therapy dogs are the personal property of the handler and are not owned by the district.

Therapy dogs are **not** "service animals," as that term is used in the American with Disabilities Act and Board Policy 718. They are not eligible for public access rights to the district's schools and facilities. Policy 718 concerns the use of service animals for students with Section 504 plans or IEPs.[1][2]

Handler - a handler is an individual that has been individually trained, evaluated, and certified to work with a particular therapy dog. The handler and therapy dog must be trained and certified as a team to provide animal-assisted activities, animal-assisted therapy, and animal-assisted interactions within a school or other facility. For purposes of this policy, a handler must also be either a district employee or an approved volunteer.

Certification - there is presently no official and universally recognized qualification process for therapy dogs. For purposes of this policy, a therapy dog and its handler must be certified by a therapy dog certification organization recognized by the American Kennel Club. Examples of therapy dog certification organizations are:

1. Alliance of Therapy Dogs
2. Bright and Beautiful Therapy Dogs
3. Love on a Leash
4. Pet Partners
5. Therapy Dogs International

Delegation of Responsibility

The handler shall assume full responsibility for the dog's care, behavior, and suitability for interacting with students and others in the school while the therapy dog is on district property. Only the Superintendent, in consultation with the building principal, is authorized to permit the use of a therapy dog and handler.

Guidelines

The following requirements must be satisfied before a therapy dog will be permitted in school buildings or on school grounds:

1. **Request** – A handler who wants to bring a therapy dog to school must submit a written request form to the Superintendent. The request form shall be developed by the Superintendent. The request must be renewed each school year or whenever a different therapy dog is used.
2. **Registration** – The handler shall have proof of registration and certification for the therapy dog and handler from an organization that requires an evaluation of the therapy dog and handler at least every two (2) years and shall remain current and in good standing at all times. In the case of a training program, permission must be requested by the Superintendent who shall also provide guidelines and expectations for training programs.
3. **Health and Vaccination** – The handler shall submit proof from a licensed veterinarian that the therapy dog is in good health and has been immunized against diseases common to dogs. Such vaccines shall be kept current at all times. The therapy dog must be clean, well-groomed, in good health, and housebroken.
4. **Insurance** – The handler shall submit a copy of an insurance policy that provides liability coverage for the handler and therapy dog while the two are on district property.
5. **Proof of Licensure** – The therapy dog must be licensed with the local dog-licensing agency.
6. **Identification** – The handler and therapy dog must wear appropriate identification issued by the district while on district property.
7. **Control** – The handler shall ensure that the therapy dog wears a collar or harness and a leash no longer than four (4) feet and shall maintain control of the therapy dog by holding the leash at all times the therapy dog is on school property, unless holding such leash would interfere with the therapy dog's safe, effective performance of its task. The handler shall maintain control of the therapy dog at all times.
8. **Supervision and Care of the Therapy Dog** – The handler is responsible for the supervision and care of the therapy dog, including cleaning up after the therapy dog while the dog is on school property. The handler shall not leave the therapy dog unsupervised on school property at any time.
9. **Disruption** – The therapy dog must not disrupt the educational process by barking, seeking attention, or any other disruptive behavior.
10. **Authorized Areas** – The handler shall ensure that the therapy dog has access to only such areas of the school building or properties that have been authorized by school district administrators.
11. **Allergies and Aversions** – The handler shall remove the therapy dog to a separate area, as designated by the school administrator, in such instances where any student or school employee who suffers dog allergies or aversion is present in an office, hallway, or classroom. All students and staff shall wash their hands after interaction with the therapy dog.
12. **Notification** – An annual notification shall be included in the student/parent handbook of the presence of a therapy dog to allow parents/guardians the opportunity to present any concerns to having their student interact with a therapy dog and for the district to plan for and implement any necessary accommodations.
13. **Damages and Injuries** – The handler of the therapy dog is solely responsible and liable for any damage to school property or injury to personnel, students, or others caused by the therapy dog. The handler shall fully indemnify the district for any damage to person or property caused by the therapy

dog (see Insurance above).

14. **Exclusion or Removal From District Property** – A therapy dog may be excluded from school district property if a school administrator determines that:
 - a. The handler does not have control of the therapy dog;
 - b. The therapy dog is not housebroken;
 - c. The therapy dog presents a direct and immediate threat to others in the school; or
 - d. The therapy dog's presence otherwise interferes with the educational program. The handler shall immediately remove their therapy dog from school property when instructed to do so by a school administrator.
15. **Students** – Students are never to be left alone with a therapy dog; a designated handler must always be present. Dogs may be left with a non-handler adult for brief periods of time when children are not present and will not have access to the dog. When the dog is left unattended, it should be in a room or office with closed doors and no access to students and staff.
16. **Privilege** – Utilization of a therapy dog is a privilege and not a right. Authorization to bring a therapy dog into the school setting is solely within the discretion of the district, and permission may be terminated should the handler or dog behave in a way deemed unprofessional or unsafe.

Legal

1. Pol. 113

2. Pol. 718

(13) **BILLS**

(13)(1) Food Service Payments

Recommended Motion(s):

Approve and ratify the attached list of food service fund payments for June 11, 2026, through June 30, 2026, for \$83,118.15.

FUND ACCOUNTING PAYMENT SUMMARY

Bank Account: FSCK - FOOD SERVICE CHECKING **Payment Dates:** 06/11/2026 - 06/30/2026

Payment Categories: Regular Checks, Direct Deposits, Manual Checks, Procurement Cards, Credit Cards

Sort: Payment Number

Payment #	Paymnt Dt	Vendor Name	Description Of Purchase	Description Of Purchase	Amount
0000021871	06/15/2026	PSEA HEALTH & WELFARE FUND	MAY 2026 DENTAL FS	MAY 2026 VISION FS	306.08
0000021872	06/18/2026	ALLEGHENY SUPPLY	CLEANING/DISPOSABLES		2,199.15
0000021873	06/18/2026	DAVID LOTT	STUDENT WITHDRAWAL REFUND		52.25
0000021874	06/18/2026	FNB COMMERCIAL CREDIT CARD	CC PURCHASES MAY 2026		170.97
0000021875	06/18/2026	JORDON BANANA DISTRIBUTING COMPANY, INC.	SNP MAY & JUNE 2026		4,438.75
0000021876	06/18/2026	STANFORD HOME CENTER	MAINTANENCE SUPPLIES		13.67
0000021877	06/29/2026	AMAZON CAPITAL SERVICES	TONER	SUPPLIES	1,186.84
0000021878	06/29/2026	MONTEVERDE'S INC	FFVP - JUNE		1,679.25
0000021879	06/29/2026	US FOODS INC	SPFN, SNP MAY 2026		73,071.19
51 - FOOD SERVICE/CAFETERIA					83,118.15
Grand Total All Funds					83,118.15
Grand Total Credit Cards					0.00
Grand Total Direct Deposits					0.00
Grand Total Manual Checks					0.00
Grand Total Other Disbursement Non-negotiables					0.00
Grand Total Procurement Card Other Disbursement Non-negotiables					0.00
Grand Total Regular Checks					83,118.15
Grand Total Virtual Payments					0.00
Grand Total All Payments					83,118.15

* - Non-Negotiable Disbursement + - Procurement Card Non-Negotiable # - Payable within Payment P - Prenote D - Direct Deposit C - Credit Card ^ - Virtual Payment

(13)(2) Capital Project Payments

Recommended Motion(s):

Approve and ratify the attached list of capital project fund payments for June 11, 2026, through June 30, 2026, for \$688,680.81

FUND ACCOUNTING PAYMENT SUMMARY

Bank Account: CAPC - CAPITAL PROJECT CHECKING ACCOUNT **Payment Dates:** 06/11/2026 - 06/30/2026

Payment Categories: Regular Checks, Direct Deposits, Manual Checks, Procurement Cards, Credit Cards

Sort: Payment Number

Payment #	Paymnt Dt	Vendor Name	Description Of Purchase	Description Of Purchase	Amount
0000001060	06/12/2026	ALLEGHENY CITY ELECTRIC	IM RENOVATIONS ELECTRICAL		170,563.38
0000001061	06/12/2026	AMAZON CAPITAL SERVICES	TECH SUPPLIES		122.94
0000001062	06/12/2026	AMERICAN OFFICE INSTALLER INC	IM RENOVATIONS-DELIVERIES	TRAILER STORAGE	19,100.00
0000001063	06/12/2026	LIOKAREAS CONSTRUCTION	IM RENOVATIONS		454,278.75
0000001064	06/12/2026	LUGAILA MECHANICAL	IM RENOVATIONS MECHANICAL		36,294.77
0000001065	06/12/2026	PERFORMANCE ENVIRONMENTAL SERVICES INC	MICROBIAL REMEDIATION		1,200.00
0000001066	06/12/2026	PSI	IM RENOVATIONS		3,125.00
0000001067	06/12/2026	STILLIONS IT CONSULTING, LLC	TECH SUPPLIES		1,579.97
0000001068	06/12/2026	TUCKER ARENSBERG, PC	PROFESSIONAL SERVICES		1,517.00
0000001069	06/18/2026	FNB COMMERCIAL CREDIT CARD	INTERM SCHOOL SHOP ROOM		899.00
39 - CAPITAL PROJECT FUND					688,680.81
Grand Total All Funds					688,680.81
Grand Total Credit Cards					0.00
Grand Total Direct Deposits					0.00
Grand Total Manual Checks					0.00
Grand Total Other Disbursement Non-negotiables					0.00
Grand Total Procurement Card Other Disbursement Non-negotiables					0.00
Grand Total Regular Checks					688,680.81
Grand Total Virtual Payments					0.00
Grand Total All Payments					688,680.81

* - Non-Negotiable Disbursement + - Procurement Card Non-Negotiable # - Payable within Payment P - Prenote D - Direct Deposit C - Credit Card ^ - Virtual Payment

(13)(3) General Fund Payments 6.11.26 - 6.30.26

Recommended Motion(s):

Approve and ratify the attached list of general fund payments for June 11, 2026, through June 30, 2026, for \$741,193.18.

FUND ACCOUNTING PAYMENT SUMMARY

Bank Account: GFCK - FIRST COMMONWEALTH CHECKING **Payment Dates:** 06/11/2026 - 06/30/2026

Payment Categories: Regular Checks, Direct Deposits, Manual Checks, Procurement Cards, Credit Cards

Sort: Payment Number

Payment #	Paymnt Dt	Vendor Name	Description Of Purchase	Description Of Purchase	Amount
0000070877	06/15/2026	BERKHEIMER	DED: BERK - Full Payroll Pay Date: 6/15/2026		17.50
0000070878	06/15/2026	PENNSYLVANIA 529 INVESTMENT PLAN	HOFFER 540579991135		100.00
0000070879	06/12/2026	AGORA CYBER CHARTER SCHOOL	CHARTER SCHOOL PAYMENT		64,353.99
0000070880	06/12/2026	AMAZON CAPITAL SERVICES	TECH SUPPLIES	ART GRANT	1,983.70
0000070881	06/12/2026	AUTOZONE	HS JOHN DEERE BATTERY		59.99
0000070882	06/12/2026	B & R POOLS AND SWIM SHOP	WEEKLY PRIMARY SAMPLE		608.00
0000070883	06/12/2026	BOROUGH OF VANDERGRIFT	CROSSING GUARD SERVICE		941.95
0000070884	06/12/2026	CCIU	REGULAR ED PLACED TUITION - ELEMENTARY		4,448.41
0000070885	06/12/2026	COLLEGE BOARD	AP EXAMS		46,218.00
0000070886	06/12/2026	DILLON MCCANDLESS KING COULTER & GRAHAM, LLP	PROFESSIONAL SERVICES-TAX APPEAL		1,935.00
0000070887	06/12/2026	FACILITIES MANAGEMENT SYSTEMS, INC	FACILITIES MAINTENANCE	SUPPLIES	17,870.92
0000070888	06/12/2026	FIRST NATIONAL BANK	PIAA BOYS TRACK PER DIEM	LATE FEE	188.96
0000070889	06/12/2026	FIRST NATIONAL BANK	PIAA GIRLS TRACK PER DIAM	LATE FEE/INTEREST	200.74
0000070890	06/12/2026	JOSTENS	GRADUATION SUPPLIES		17.85
0000070891	06/12/2026	KISKI AREA FOOD SERVICE	HIGH SCHOOL-STUDENT RECOGNITION ICE CREAM SOCIAL	VARSITY BREAKFAST	616.64
0000070892	06/12/2026	KOCHKA AND SON TOWING LLC	MAY 2026 GASOLINE		1,431.10
0000070893	06/12/2026	KVWPCA	SEWAGE		1,075.50
0000070894	06/12/2026	M.A.W.T.	SEWAGE		1,584.00
0000070895	06/12/2026	METCO SUPPLY INC.	GENERAL SUPPLIES - KA SOUTH PR		397.45
0000070896	06/12/2026	MICHAEL & JENNA JONES	PARENT TRANSPORT		958.74

* - Non-Negotiable Disbursement + - Procurement Card Non-Negotiable # - Payable within Payment P - Prenote D - Direct Deposit C - Credit Card ^ - Virtual Payment

FUND ACCOUNTING PAYMENT SUMMARY

Bank Account: GFCK - FIRST COMMONWEALTH CHECKING **Payment Dates:** 06/11/2026 - 06/30/2026

Payment Categories: Regular Checks, Direct Deposits, Manual Checks, Procurement Cards, Credit Cards

Sort: Payment Number

Payment #	Paymnt Dt	Vendor Name	Description Of Purchase	Description Of Purchase	Amount
0000070897	06/12/2026	MINUTEMAN PRESS	GRADUATION SUPPLIES-PROGRAM		1,665.09
0000070898	06/12/2026	PEOPLES GAS COMPANY LLC	NATURAL GAS		446.41
0000070899	06/12/2026	PEOPLES NATURAL GAS	GAS		0.00
0000070900	06/12/2026	SCHMIDT SUPPLY	HS POOL CHLORINE		415.00
0000070901	06/12/2026	SMITH BUS COMPANY	STUDENT TRANSPORTATION	NON-PUBLIC TRANSPORTATION	236,423.05
0000070902	06/12/2026	TRIB TOTAL MEDIA	LEGAL AD - BUDGET NOTICE		199.50
0000070903	06/12/2026	WEX BANK	FINANCE CHARGE		146.10
0000070904	06/15/2026	PSEA HEALTH & WELFARE FUND	MAY 2026 DENTAL	MAY 2026 VISION	21,987.02
0000070905	06/18/2026	ALLEGHENY INTERMEDIATE UNIT	SPECIAL EDUCATION SERVICES		341.13
0000070906	06/18/2026	ALLEGHENY TOWNSHIP	SAFETY & SECURITY SERVICES		14,113.67
0000070907	06/18/2026	BUTLER AREA SCHOOL DISTRICT	TUITION	STUDENT SERVICES	6,213.06
0000070908	06/18/2026	CLARION AREA SCHOOL DISTRICT	TUITION		1,014.86
0000070909	06/18/2026	COMCAST	PHONE LINES		188.62
0000070910	06/18/2026	COMCAST	PHONE LINES		709.05
0000070911	06/18/2026	DILLON MCCANDLESS KING COULTER & GRAHAM, LLP	LEGAL SERVICE		5,265.00
0000070912	06/18/2026	DQE COMMUNICATIONS LLC	ETHERNET		3,994.00
0000070913	06/18/2026	FLOURISH THERAPY, LLC	PROFESSIONAL SERVICES		3,295.00
0000070914	06/18/2026	FNB COMMERCIAL CREDIT CARD	COURTYARD MARRIOTT-CONFERENCE	SIGNS AND STAKES	880.34
0000070915	06/18/2026	GREATER LATROBE SCHOOL DISTRICT	TUITION		791.10
0000070916	06/18/2026	JOSTENS	GRADUATION SUPPLIES		99.00
0000070917	06/18/2026	LOWER KISKI AMBULANCE SERVICE	GRADUATION SUPPLIES-AMBULANCE SERVICE		450.00

* - Non-Negotiable Disbursement + - Procurement Card Non-Negotiable # - Payable within Payment P - Prenote D - Direct Deposit C - Credit Card ^ - Virtual Payment

FUND ACCOUNTING PAYMENT SUMMARY

Bank Account: GFCK - FIRST COMMONWEALTH CHECKING **Payment Dates:** 06/11/2026 - 06/30/2026

Payment Categories: Regular Checks, Direct Deposits, Manual Checks, Procurement Cards, Credit Cards

Sort: Payment Number

Payment #	Paymnt Dt	Vendor Name	Description Of Purchase	Description Of Purchase	Amount
0000070918	06/18/2026	MERAKEY PENNSYLVANIA	TUITION; PROFESSIONAL SVCS		24,090.84
0000070919	06/18/2026	NEW STORY SCHOOLS	LICENSED PRIVATE SCHOOLS		4,356.00
0000070920	06/18/2026	OTICON INC	SUPPLIES		639.99
0000070921	06/18/2026	PRAC HOLDINGS, INC	PROFESSIONAL SERVICES		1,600.00
0000070922	06/18/2026	RiP USA, INC	SECURITY GUARD AT SOUTH		2,424.00
0000070923	06/18/2026	STRYKER FLEX FINANCIAL	AED'S		6,733.44
0000070924	06/18/2026	THE CHILDREN'S INSTITUTE	SPEC PROG - TUITION TO APPROVE		8,939.45
0000070925	06/18/2026	THE WESTERN PA SCHOOL FOR THE DEAF	OTHER SUPPORT SERVICES - PROFE	OTHER SUPPORT SERVICES - OTHER	4,540.42
0000070926	06/18/2026	TOSHIBA AMERICA BUSINESS SOLUTIONS	XMEDIUS		284.00
0000070927	06/18/2026	WEST PENN POWER	ELECTRICITY		9,395.62
0000070928	06/18/2026	WESTARM PHYSICAL THERAPY	PROFESSIONAL SERVICES		23,163.00
0000070929	06/18/2026	WESTMORELAND I.U.	TUITION		33,422.55
0000070930	06/18/2026	COMBUSTION SERVICE & EQUIPMENT	SERVICE AGREEMENT FOR 25-26 SCHOOL YEAR		5,631.00
0000070931	06/18/2026	DIRECT ENERGY BUSINESS	ELECTRICITY		1,609.62
0000070932	06/18/2026	FNB COMMERCIAL CREDIT CARD	RETURNS FED EX TECH		4.50
0000070933	06/23/2026	BRIAN KUTCHAK	MAY/JUNE MILEAGE		78.16
0000070934	06/23/2026	KA EAST PRIMARY PTO	FIELD TRIP EXPENSE REIMBURSEMENT		1,000.00
0000070937	06/25/2026	21ST CENTURY CYBER CHARTER SCHOOL	CHARTER SCHOOL PAYMENT		2,843.71
0000070938	06/25/2026	AMAZON CAPITAL SERVICES	AED CASE	SNP GROCERY, MISC SUPPLIES	0.00
0000070939	06/25/2026	COMCAST	PHONE LINES		471.04
0000070940	06/25/2026	COMCAST	PHONE LINES		672.25

* - Non-Negotiable Disbursement + - Procurement Card Non-Negotiable # - Payable within Payment P - Prenote D - Direct Deposit C - Credit Card ^ - Virtual Payment

FUND ACCOUNTING PAYMENT SUMMARY

Bank Account: GFCK - FIRST COMMONWEALTH CHECKING **Payment Dates:** 06/11/2026 - 06/30/2026

Payment Categories: Regular Checks, Direct Deposits, Manual Checks, Procurement Cards, Credit Cards

Sort: Payment Number

Payment #	Paymnt Dt	Vendor Name	Description Of Purchase	Description Of Purchase	Amount
0000070941	06/25/2026	COMMONWEALTH CHARTER ACADEMY	CHARTER SCHOOL PAYMENT		40,567.10
0000070942	06/25/2026	FIBER ASSETCO LLC dba ZAYO	INTERNET		1,000.00
0000070943	06/25/2026	GUTTMAN ENERGY INC	FUEL - GASOLINE	BUSSING FUEL	23,120.28
0000070944	06/25/2026	INSIGHT PA CYBER CHARTER SCHOOL	CHARTER SCHOOL PAYMENT		4,988.51
0000070945	06/25/2026	M.A.A.T.	SEWAGE		901.48
0000070946	06/25/2026	PA DISTANCE LEARNING CHARTER SCHOOL	CHARTER SCHOOL PAYMENT		6,736.14
0000070947	06/25/2026	PENNSYLVANIA VIRTUAL CHARTER SCHOOL	CHARTER SCHOOL PAYMENT		1,175.70
0000070948	06/25/2026	PNC BANK N.A.	FACS - GE CONSUMABLES	FACS CONSUMABLE SUPPLIES-FOOD ITEMS	974.82
0000070949	06/25/2026	REACH CYBER CHARTER SCHOOL	CHARTER SCHOOL PAYMENT		31,782.22
0000070950	06/25/2026	RiP USA, INC	SECURITY CHORUS/JAZZ CONCERTS		400.00
0000070951	06/25/2026	UNITED ENERGY TRADING, LLC	NATURAL GAS		4,295.30
0000070952	06/25/2026	VERIZON WIRELESS	MOBILE PHONES		527.78
0000070953	06/25/2026	WESTINGHOUSE ARTS ACADEMY CHARTER SCHOOL	CHARTER SCHOOL PAYMENT		12,569.57
0000070954	06/30/2026	AFLAC	DED: AFLC - Full Payroll Pay Date: 6/30/2026	DED: AFLC - Full Payroll Pay Date: 6/15/2026	2,931.30
0000070955	06/30/2026	BERKHEIMER	DED: BERK - Full Payroll Pay Date: 6/30/2026		62.75
0000070956	06/30/2026	PENNSYLVANIA 529 INVESTMENT PLAN	HOFFER 540579991135		100.00
0000070957	06/30/2026	ALLEGHENY TOWNSHIP	GRADUATION-POLICE DEPARTMENT FOR CEREMONY		2,962.80
0000070958	06/30/2026	BEVERLY KOCON	GENERAL SUPPLIES-FRONT CIRCLE FLOWERS		48.05
0000070959	06/30/2026	CCIU	STUDENT SERVICES		905.85

* - Non-Negotiable Disbursement + - Procurement Card Non-Negotiable # - Payable within Payment P - Prenote D - Direct Deposit C - Credit Card ^ - Virtual Payment

FUND ACCOUNTING PAYMENT SUMMARY

Bank Account: GFCK - FIRST COMMONWEALTH CHECKING **Payment Dates:** 06/11/2026 - 06/30/2026

Payment Categories: Regular Checks, Direct Deposits, Manual Checks, Procurement Cards, Credit Cards

Sort: Payment Number

Payment #	Paymnt Dt	Vendor Name	Description Of Purchase	Description Of Purchase	Amount
0000070960	06/30/2026	GREATER LATROBE SCHOOL DISTRICT	STUDENT SERVICES		791.10
0000070961	06/30/2026	KISKI AREA FOOD SERVICE	GUIDANCE -SUPPLIES - HIGH SCHO		357.60
0000070962	06/30/2026	MATT SMITH	GRADUATION SUPPLIES		313.51
D000000104	06/15/2026	KISKI AREA	DED: DUES - Full Payroll Pay Date: 6/15/2026	DED: PACE - Full Payroll Pay Date: 6/15/2026	14,077.05 ^D
D000000105	06/15/2026	KISKI AREA EDUCATION FOUNDATION	DED: KAEF - Full Payroll Pay Date: 6/15/2026		466.00 ^D
D000000106	06/15/2026	UNITED WAY - WESTMORELAND CO	DED: UNFD - Full Payroll Pay Date: 6/15/2026		3.00 ^D
D000000107	06/23/2026	ALESHA LINDO	COLLEGE COURSE REIMBURSEMENT		1,929.30 ^D
D000000108	06/23/2026	ANGELA DUDA	78.81	MAY MILEAGE	233.89 ^D
D000000109	06/23/2026	ANNE WILKINS	MAY MILEAGE		48.07 ^D
D000000110	06/23/2026	JAMIE SKIRBOLL	MAY MILEAGE		7.11 ^D
D000000111	06/23/2026	JENNIFER LANG	MAY MILEAGE		26.39 ^D
D000000112	06/23/2026	MELISSA RAY	JUNE MILEAGE		14.50 ^D
D000000113	06/23/2026	MICHAEL CARDAMONE	REIMBURSEMENT - GIANT EAGLE-CAKE FOR STAFF RETIREMENT		43.20 ^D
D000000114	06/23/2026	THOMAS BERZONSKY	PIAA TRACK REIMBURSEMENT		441.78 ^D
D000000115	06/30/2026	KISKI AREA EDUCATION SUPPORT PROFESSIONALS	DED: DUES - Full Payroll Pay Date: 6/30/2026		665.00 ^D
D000000116	06/30/2026	PHEPLE FCU	DED: CRUN - Full Payroll Pay Date: 6/30/2026	DED: CRUN - Full Payroll Pay Date: 6/15/2026	10,181.00 ^D

* - Non-Negotiable Disbursement + - Procurement Card Non-Negotiable # - Payable within Payment P - Prenote D - Direct Deposit C - Credit Card ^ - Virtual Payment

FUND ACCOUNTING PAYMENT SUMMARY

Bank Account: GFCK - FIRST COMMONWEALTH CHECKING **Payment Dates:** 06/11/2026 - 06/30/2026

Payment Categories: Regular Checks, Direct Deposits, Manual Checks, Procurement Cards, Credit Cards
Sort: Payment Number

10 - GENERAL FUND	741,193.18
51 - FOOD SERVICE/CAFETERIA	0.00
Grand Total All Funds	741,193.18
Grand Total Credit Cards	0.00
Grand Total Direct Deposits	28,136.29
Grand Total Manual Checks	(5,818.40)
Grand Total Other Disbursement Non-negotiables	0.00
Grand Total Procurement Card Other Disbursement Non-negotiables	0.00
Grand Total Regular Checks	718,875.29
Grand Total Virtual Payments	0.00
Grand Total All Payments	741,193.18

* - Non-Negotiable Disbursement + - Procurement Card Non-Negotiable # - Payable within Payment P - Prenote D - Direct Deposit C - Credit Card ^ - Virtual Payment

(13)(4) General Fund Payments 7.1.2026 - 7.9.2026

Recommended Motion(s):

Approve and ratify the attached list of general fund payments for July 1, 2026, through July 9, 2026, for \$126,951.85.

FUND ACCOUNTING PAYMENT SUMMARY

Bank Account: GFCK - FIRST COMMONWEALTH CHECKING **Payment Dates:** 07/01/2026 - 07/09/2026

Payment Categories: Regular Checks, Direct Deposits, Manual Checks, Procurement Cards, Credit Cards

Sort: Payment Number

Payment #	Paymnt Dt	Vendor Name	Description Of Purchase	Description Of Purchase	Amount
0000070963	07/08/2026	M.A.A.T.	SEWAGE		8,098.06
0000070964	07/09/2026	2 KREW, INC	Enc Transfer from FY26 ALARM MONITORING AND REPAIR INTERMEDIATE		565.00 #
0000070965	07/09/2026	ALLEGHENY INTERMEDIATE UNIT	Enc Transfer from FY26 STUDENT SERVICES		1,801.50 #
0000070966	07/09/2026	ALLEGHENY POOL SERVICES CO	Enc Transfer from FY26 POOL SERVICE AGREEMENT PAYMENT 11		476.67 #
0000070967	07/09/2026	AMAZON CAPITAL SERVICES	Enc Transfer from FY26 WIRC BOOKS (READING COMPETITION BOOKS)- KAIS BOOKS &		120.17 #
0000070968	07/09/2026	ARTMAN EQUIPMENT INC	Enc Transfer from FY26 WAREHOUSE KUBOTA PARTS		434.66 #
0000070969	07/09/2026	BURTT'S CREATIVE SOLUTIONS INC	Enc Transfer from FY26 MAY SAWAGE TANK MAITENANCE		2,650.00 #
0000070970	07/09/2026	CCIU	Enc Transfer from FY26 STUDENT SERVICES		78.57 #
0000070971	07/09/2026	CINTAS FIRE PROTECTION	CONTRACTED REPAIR/MAINT SERVIC		3,985.00 #
0000070972	07/09/2026	COMBUSTION SERVICE & EQUIPMENT	Enc Transfer from FY26 REPLACEMENT RELAY FOR CONDENSER PUMP		144.51 #
0000070973	07/09/2026	COMCAST	PHONE LINES	PHOONE LINES	371.32
0000070974	07/09/2026	D.H. BERTENTHAL & SONS	OP/MAINT-SUPPLIES		34,770.27 #
0000070975	07/09/2026	DAIKIN APPLIED	Enc Transfer from FY26 HS CHILLER		2,800.00 #
0000070976	07/09/2026	FILTECH INC	OP/MAINT-SUPPLIES - UPPER ELEM	GENERAL SUPPLIES - KISKI AREA	7,400.24 #
0000070977	07/09/2026	GRAINGER	OP/MAINT-SUPPLIES - HIGH SCHOO		1,523.41 #
0000070978	07/09/2026	GRAINGER	Enc Transfer from FY26 HS PAIL, HOSE FITTING, GREASE JAR		128.16 #
0000070979	07/09/2026	GRECO GAS	Enc Transfer from FY26 WH GRINDING WHEELS, REGULATORS		354.05 #
0000070980	07/09/2026	IT'S ALL CLEAN, INC.	Enc Transfer from FY26 BLEACHER PRESSURE WASH FOR GRADUATION		3,485.00 #

* - Non-Negotiable Disbursement + - Procurement Card Non-Negotiable # - Payable within Payment P - Prenote D - Direct Deposit C - Credit Card ^ - Virtual Payment

FUND ACCOUNTING PAYMENT SUMMARY

Bank Account: GFCK - FIRST COMMONWEALTH CHECKING **Payment Dates:** 07/01/2026 - 07/09/2026

Payment Categories: Regular Checks, Direct Deposits, Manual Checks, Procurement Cards, Credit Cards

Sort: Payment Number

Payment #	Paymnt Dt	Vendor Name	Description Of Purchase	Description Of Purchase	Amount
0000070981	07/09/2026	J.C. EHRLICH CO. INC.	OP/MAINT-EXTERMINATION SERVICE		421.50 #
0000070982	07/09/2026	JACK'S AUTO PARTS	Enc Transfer from FY26 WAREHOUSE KUBOTA PARTS		88.95 #
0000070983	07/09/2026	KOCHKA AND SON TOWING LLC	GASOLINE - JUNE		2,164.03
0000070984	07/09/2026	M.A.W.C.	WATER	WATER-FIRE HYDRANT	12,431.19
0000070985	07/09/2026	MURPHY'S MUSIC CENTER	Enc Transfer from FY26 MUSIC SUPPLIES-SECONDARY	Enc Transfer from FY26 MUSIC DEPT SUPPLIES	7,277.48 #
0000070986	07/09/2026	ON DECK SPORTS	Enc Transfer from FY26 BASEBALL EQUIPMENT		1,601.73 #
0000070987	07/09/2026	OTIS ELEVATOR COMPANY	CONTRACTED REPAIR/MAINT SERVIC		1,167.39 #
0000070988	07/09/2026	PEOPLES GAS COMPANY LLC	NATURAL GAS		273.31
0000070989	07/09/2026	PEOPLES NATURAL GAS	NATURAL GAS		7,498.35
0000070990	07/09/2026	PRESIDIO NETWORK SOLUTIONS, LLC	Enc Transfer from FY26 E-RATE AGREEMENT		2,742.30 #
0000070991	07/09/2026	PSBA	PSBA ALL ACCESS MEMBERSHIP 26/27		20,266.79
0000070992	07/09/2026	RAPTOR TECHNOLOGIES LLC	Enc Transfer from FY26 TECH SUPPLIES		110.00 #
0000070993	07/09/2026	SAM'S CLUB DIRECT	Enc Transfer from FY26 FACS CONSUMABLE SUPPLIES		155.67 #
0000070994	07/09/2026	SAW SALES & MACHINERY CO	Enc Transfer from FY26 TECH ED SUPPLIES RIDGEWAY		219.06 #
0000070995	07/09/2026	SHEARER'S GARAGE	Enc Transfer from FY26 HS LAWNMOWER REPAIRS		204.79 #
0000070996	07/09/2026	STANFORD HOME CENTER	OP/MAINT-SUPPLIES	OP/MAINT-SUPPLIES - HIGH SCHOO	676.08 #
0000070997	07/09/2026	TARGET OFFICE PRODUCTS	Enc Transfer from FY26 CUBICLE SHELF - BO		175.00 #
0000070998	07/09/2026	TRANE	GENERAL SUPPLIES - KISKI AREA		291.64 #

* - Non-Negotiable Disbursement + - Procurement Card Non-Negotiable # - Payable within Payment P - Prenote D - Direct Deposit C - Credit Card ^ - Virtual Payment

FUND ACCOUNTING PAYMENT SUMMARY

Bank Account: GFCK - FIRST COMMONWEALTH CHECKING **Payment Dates:** 07/01/2026 - 07/09/2026

Payment Categories: Regular Checks, Direct Deposits, Manual Checks, Procurement Cards, Credit Cards
Sort: Payment Number

10 - GENERAL FUND	126,951.85
Grand Total All Funds	126,951.85
Grand Total Credit Cards	0.00
Grand Total Direct Deposits	0.00
Grand Total Manual Checks	0.00
Grand Total Other Disbursement Non-negotiables	0.00
Grand Total Procurement Card Other Disbursement Non-negotiables	0.00
Grand Total Regular Checks	126,951.85
Grand Total Virtual Payments	0.00
Grand Total All Payments	126,951.85

* - Non-Negotiable Disbursement + - Procurement Card Non-Negotiable # - Payable within Payment P - Prenote D - Direct Deposit C - Credit Card ^ - Virtual Payment

(14) STUDENT ACTIVITIES

(14)(1) Hire - Athletic Supplemental Positions (Head Coaches)

Recommended Motion(s):

Approve the following head coaches for the 2026-2027 school year at the annual salary determined by the collective bargaining agreement. This approval is contingent upon the understanding that all necessary clearances are current and on file with the Athletic Department.

Description:

a.	Flag Football	Jason Clouser	\$5,922
b.	Tennis - Boys	Trenton Goerk	\$4,143
c.	Track	Tom Berzonsky	\$6,804
d.	Unified Track	Katie Hepler	\$3,062

(14)(2) Hire - Athletic Supplemental Positions

Recommended Motion(s):

Approve the following coaches for the 2026-2027 school year at the annual salary determined by the collective bargaining agreement. This approval is contingent upon the understanding that all necessary clearances are current and on file with the Athletic Department.

Description:

a.	Football - 2nd Assistant Varsity Coach (1/2)	Max Garda	\$3,108
b.	Football - 2nd Assistant Varsity Coach (1/2)	Richard Demaio	\$3,108
c.	Swimming - Assistant Varsity Coach	Dan Prager	\$5,463
d.	Swimming - Head Jr High Coach	Dan Prager	\$3,512
e.	Swimming - Assistant Jr High Coach	Ryan Berberich	\$3,122

(14)(3) Resignation - Girls Varsity Softball

Recommended Motion(s):

1) Accept the resignation of John Kinnamon, Head Girls Varsity Softball Coach, effective July 6, 2026.

(14)(4) Athletic Game/Event Workers

Recommended Motion(s):

Approve the following individuals as game/event workers for the 2026-2027 school year at the rate according to the collective bargaining agreement, pending all clearances are current and on file with the Athletic Department.

Description:

Larry Enciso

Susan Martin

Dave Murray

(14)(5) Volunteer Coach

Recommended Motion(s):

Approve the following individual as a volunteer coach for the 2026-2027 school year. This approval is contingent upon the understanding that all clearances are current and on file with the Athletic Department.

Description:

Swimming - Varsity	Ryan Berberich
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(14)(6) Hire - Boys Varsity Baseball Coach

Recommended Motion(s):

Hire _____ as Boys Varsity Baseball Coach for the 26-27 school year at a salary of \$5,436 as outlined in the collective bargaining agreement.

(14)(7) Hire Head Baseball Coach

Recommended Motion(s):

Approve Hiring Thomas Lambert as the head varsity baseball coach at a salary of \$5,436.

(15) CURRICULUM AND PROFESSIONAL DEVELOPMENT

(16) CONSTRUCTION

(16)(1) Horizon Information System Proposal

Recommended Motion(s):

Approve the Horizon Information Services proposal in the amount of \$39,640.10 for the installation of an audio/visual system for the Intermediate School Media Production Studio. The project includes production control equipment, studio cameras, teleprompters, audio systems, confidence-monitoring displays, associated infrastructure, and installation services to establish a modern student broadcasting and media production environment.

(16)(2) Allegheny City Electric Change Order #12

Recommended Motion(s):

Approve Allegheny City Electric Change Order #12 as listed below for an add of \$20,100.00

Change Order Narrative

6-30-26

- Motion to approve Allegheny City Electric Change Order #12 as listed below for an add of twenty thousand one hundred dollars and zero cents. **Value = \$ 20,100.00**

Allegheny City Electric Change Order #12

Provide labor, equipment, and material to complete the following work:

1. Owner – Provide the electrical work for the additional power for the owner supplied combi ovens in the Kitchen per RFI #169. (ACE COR #27) Value = \$ 3,845.00
2. Omission - Provide the electrical work for the additional data outlets in Offices #113, #114, #121, and #122 in the locker rooms per Sketch ESK-05. (ACE COR #28) Value = \$ 4,871.00
3. Owner - Provide the electrical work to add buck boost transformers to equipment in the Tech Ed Room B104 per RFI #0168 and to rewire equipment per the revised layout. (ACE COR #29) Value = \$ 6,452.00
4. Omission – Provide the electrical work to add power and switching for lighting, exhaust fan, and receptacle in the paint spray booth hood per RFI #0170. (ACE COR #30) Value = \$ 3,508.00
5. Code - Provide the electrical work to add a light and light switch for the elevator disconnect closet at the direction of the state inspector. (ACE COR #31) Value = \$ 1,424.00

Total Change Order Value = \$ 20,100.00

(17) CITIZENS COMMENTS ON NON-AGENDA ITEMS

Speaker(s): JENNA ROWE

(17)(1) The Board welcomes comments of a general nature relating to school board business from residents, taxpayers, employees, and students of the District. We request that you limit your comments to three (3) minutes. All other rules for engaging the Board, as detailed in the earlier public comment period, apply equally to this session.

(18) DIRECTORS COMMENTS

Speaker(s): JENNA ROWE

(19) ADJOURNMENT

Speaker(s): JENNA ROWE
