BOARD OF SCHOOL DIRECTORS

WORK SESSION Tuesday, October 13, 2020 7:00 PM

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MINUTES

Call to Order	President Patricia Ann Shaw called the meeting to order at 7:00 p.m.				
Pledge	The meeting opened with the pledge to the flag.				
Attendance	Those present included: Mr. Cesario, Ms. Crowell, Mrs. Donahue, Ms. Evans, Mr. LaPorte, M Lindsey, Mrs. Lydon, Mr. Raso and Ms. Shaw. Also present were Dr. William P. Stropkaj, Superintendent; Dr. Shannon Varley, Director of Curriculum, Instruction, Assessment and Sta Development; Mr. Joseph Kubiak, Director of Finance and Human Resources/Board Secretar Mr. Michael Brungo, Solicitor and Mrs. Maureen S. Myers, Assistant Board Secretary/Record Secretary were present.				
Public Comment	Dr. Stropkaj read aloud the public comment that was received from members of the community.				
	Public comment was submitted by Fran Zukiewicz, Randi Daffner, Pete Lawrence, Lisa Kaminnski, Peter Kaminsky, Jaime Rea, Lindsey O'Donnell, Nicholas Weirick, Dave Rea, Catherine Muick, Vicki Bruce, Jenna Clinto, Lisa Shartle, Jessica Dobson, Geoff Dobson, Jordan Seymour, Toni Wilson, Melissa Reinert, Nicole Boback, Tania, Juline Babajanov and Kevin Gallagher.				
Board President's Report	BOARD PRESIDENT'S REPORT – Ms. Patricia Ann Shaw				
	The following action items will be considered at the October 20, 2020 Business/Legislative Meeting:				
	BOARD ACTION REQUESTED				
Board Minutes	BOARD MINUTES				
	It is recommended that the Board approve the Work Session Minutes of September 8, 2020 and the Business/Legislative Minutes of September 15, 2020.				
Education Plan – Second	2020/2021 EDUCATION PLAN – SECOND GRADING PERIOD				
Grading Period	It is recommended that the following Education Plan be in place for the second grading period of the 2020/2021 school year:				
	Plan for Instruction: November 2, 2020 through January 29, 2021				

•	Week ∎	of November 2, 2020 through November 6, 2020 Students (A-L): Face-to-Face instruction Monday and
		Wednesday
		Online instruction: Thursday, Friday
	0	Students (M-Z): Face-to Face instruction Thursday and Friday Online instruction: Monday, Wednesday
		No school on Tuesday, November 3, 2020
•	Week	of November 9, 2020 through November 13, 2020
	0	Students (A-L): Face-to-Face instruction Monday, Tuesday, Wednesday
	0	Online instruction: Thursday, Friday Students (M-Z): Face-to Face instruction Thursday, Friday Online instruction: Monday, Tuesday, Wednesday
•	Week o	of November 16, 2020 through November 20, 2020 Students (A-L): Face-to-Face instruction Monday, Tuesday Online instruction: Wednesday, Thursday, Friday
	0	Students (M-Z): Face-to Face instruction Wednesday, Thursday, Friday
		Online instruction: Monday, Tuesday
•	Week	of November 23, 2020 through November 27, 2020
	0	Students (A-L): Face-to-Face instruction Monday
		Online instruction: Tuesday, Wednesday
	0	Students (M-Z): Face-to Face instruction Tuesday Online instruction: Monday, Wednesday
		Online Instruction: Monday, wednesday
		arly Dismissal Wednesday, November 25, 2020
		o School Thursday, November 26 and Friday, November 27, 20
•	Week o	of November 30, 2020 through December 4, 2020 Students (A-L): Face-to-Face instruction Tuesday, Wednesday
	0	Online instruction: Thursday, Friday Students (M-Z): Face-to Face instruction Thursday, Friday Online instruction: Tuesday, Wednesday
	No	o School Monday, November 30, 2020

• Week of December 7, 2020 through December 11, 2020

 Students (A-L): Face-to-Face instruction Monday, Tuesday, Wednesday

Online instruction: Thursday, Friday

 Students (M-Z): Face-to Face instruction Thursday, Friday Online instruction: Monday, Tuesday, Wednesday

• Week of December 14, 2020 through December 18, 2020

- Students (A-L): Face-to-Face instruction Monday, Tuesday Online instruction: Wednesday, Thursday, Friday
- Students (M-Z): Face-to Face instruction Wednesday, Thursday, Friday

Online instruction: Monday, Tuesday

• Week of December 21, 2020 through December 25, 2020

- Students (A-L): Face-to-Face instruction Monday Online instruction: Tuesday, Wednesday
- Students (M-Z): Face-to Face instruction Tuesday Online instruction: Monday, Wednesday

Early Dismissal Wednesday, December 23, 2020 No School Thursday, December 24 and Friday, December 25, 2020

Winter Break – Week of December 28, 2020

• Week of January 4, 2021 through January 8, 2021

 Students (A-L): Face-to-Face instruction Monday, Tuesday, Wednesday

Online instruction: Thursday, Friday

 Students (M-Z): Face-to Face instruction Thursday, Friday Online instruction: Monday, Tuesday, Wednesday

• Week of January 11, 2021 through January 15, 2021

- Students (A-L): Face-to-Face instruction Monday, Tuesday Online instruction: Wednesday, Thursday, Friday
- Students (M-Z): Face-to Face instruction Wednesday, Thursday, Friday

Online instruction: Monday, Tuesday

	• Week of January 18, 2021 th • Students (A-L): Face-t	hrough January 22, 2021 to-Face instruction Tuesday, Wednesday				
	Online instruction: Thursday, Friday					
	• Students (M-Z): Face-to Face instruction Thursday, Friday					
	Online	e instruction: Tuesday, Wednesday				
	No School Januar	ry 18, 2021				
	Onlin	to-Face instruction Monday, Tuesday ne instruction: Wednesday, Thursday to Face instruction Wednesday,				
	Online	e instruction: Monday, Tuesday				
	No School Januar	ry 29, 2021				
	• A discussion was had regarding	ng the Education Plan for the Second Grading Period.				
For Information Only	FOR INFORMATION ONLY					
	I. Parkway West Career and Technology Center Report <i>Ms. Annie Shaw</i>					
	II. SHASDA Report <i>Mr. Santo Raso</i>					
	III. PSBA/Legislative Report	Mrs. Theresa Lydon				
	IV. News from the Boroughs					
	• Halloween for Castle Sh p.m.	nannon will be Saturday, October 31 from 6:00 p.m. – 8:0)0			
Executive Session	EXECUTIVE SESSION					
	Executive Session was held after and litigation matters.	this evening's Work Session to discuss personnel matters	3			
Superintendent's Report	SUPERINTENDENT'S REPOR	RT – Dr. William P. Stropkaj				
	The following action items will be considered at the October 20, 2020 Business/Legislative Meeting:					
	BOARD ACTION REQUESTE	<u>D</u>				
Health & Safety Plan Change	HEALTH AND SAFETY PLAN CHANGE					
8-	It is recommended that the Board approve the following changes to the Keystone Oaks School District's Health and Safety plan under the "Monitoring Student & Staff Health" section:					
		4				

	Encourage students/families and staff members to conduct a daily self-check at home for symptoms of COVID-19, in accordance with the PA Department of Health Symptom Monitoring Tool.
	Use email communication and social media to regularly remind students/families staff of the symptoms of COVID-19 and to encourage them to monitor their symptoms and remain home if they are experiencing any symptoms or are feeling ill.
Policy 103	SECOND READING POLICY 103: DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS
	It is recommended that the Board approve the SECOND READING of Policy 103: <i>Discrimination/Title IX Sexual Harassment Affecting Students</i> .
Policy 104	SECOND READING POLICY 104: DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STAFF
	It is recommended that the Board approve the SECOND READING of Policy 103: <i>Discrimination/Title IX Sexual Harassment Affecting Staff.</i>
Policy 247	SECOND READING POLICY 247: HAZING
	It is recommended that the Board approve the SECOND READING of Policy 247: Hazing.
Policy 252	SECOND READING POLICY 252: DATING VIOLENCE
	It is recommended that the Board approve the SECOND READING of Policy 252: <i>Dating Violence</i> .
Policy 817.1	SECOND READING POLICY 817.1: EDUCATOR MISCONDUCT
	It is recommended that the Board approve the SECOND READING of Policy 817.1: <i>Educator Misconduct</i> .
Policy 847	SECOND READING POLICY 847: MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES
	It is recommended that the Board approve the SECOND READING of Policy 847: <i>Maintaining Professional Adult/Student Boundaries</i> .
Policy 865	SECOND READING POLICY 865: USE OF LIVESTREAM VIDEO ON DISTRICT PROPERTY
	It is recommended that the Board approve the SECOND READING of Policy 865: Use of Livestream Video on District Property.
Attachment 103-AR-1	ATTACHMENT NO. 103-AR-1: REPORT FORM (STUDENTS)

	It is recommended that the Board approve the SECOND READING of Attachment No. 103-AR-1: <i>Report Form (Students)</i> .
Attachment 103-AR-2	ATTACHMENT NO. 103-AR-2: DISCRIMINATION COMPLAINT PROCEDURES (STUDENTS)
	It is recommended that the Board approve the SECOND READING of Attachment No. 103-AR-2: <i>Discrimination Complaint Procedures (Students)</i> .
Attachment 103-AR-3	ATTACHMENT NO. 103-AR-3: TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS (STUDENTS)
	It is recommended that the Board approve the SECOND READING of Attachment No. 103-AR-3: <i>Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints (Students)</i> .
Attachment 104-AR-1	ATTACHMENT NO. 104-AR-1: REPORT FORM (STAFF)
	It is recommended that the Board approve the SECOND READING of Attachment No. 104-AR-1: <i>Report Form (Staff)</i> .
Attachment 104-AR-2	ATTACHMENT NO. 104-AR-2: DISCRIMINATION COMPLAINT PROCEDURES (STAFF)
	It is recommended that the Board approve the SECOND READING of Attachment No. 104-AR-2: <i>Discrimination Complaint Procedures (Staff)</i> .
Attachment 104-AR-3	ATTACHMENT NO. 104-AR-3: TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS (STAFF)
	It is recommended that the Board approve the SECOND READING of Attachment No. 819- AR-3: <i>Title IX Sexual Harassment Procedures and Grievance Process for Formal</i> <i>Complaints (Staff)</i> .
Policy 111	FIRST READING POLICY 111: LESSON PLANS
	It is recommended that the Board approve the FIRST READING of Policy 111: Lesson Plans.
Policy 203	FIRST READING POLICY 203: COMMUNICABLE DISEASE AND IMMUNIZATION
	It is recommended that the Board approve the FIRST READING of Policy 203: <i>Communicable Disease and Immunization</i> .
Policy 209	FIRST READING POLICY 209: HEALTH EXAMINATIONS/SCREENINGS

	It is recommended that the Board approve the FIRST READING of Policy 209: <i>Health Examinations/Screenings</i> .					
Policy 256	FIRST READING POLICY 256: BULLYING/CYBERBULLYING					
	It is recommended that the Board approve the FIRST READING of Policy 256: <i>Bullying/Cyberbullying</i> .					
Professional Development	PROFESSIONAL DEVELOPMENT					
	Heather ScanlonConsortium for Public Education 1100 Industry Road McKeesport, PA 15132\$750.00					
Education Report	EDUCATION REPORT – Mrs. Theresa Lydon					
	The following action items will be considered at the October 20, 2020 Business/Legislative Meeting:					
	BOARD ACTION REQUESTED					
Fees for Students for Credit Recovery	FEES FOR STUDENTS FOR CREDIT RECOVERY					
creat Recovery	The Administration recommends that the Board approve to establish the following fees for students for credit recovery courses through KO Cyber Academy:					
	First time a course is repeatedFee \$200.00					
	Second time a course is repeated \$300.00					
	For Information Only					
	If a student fails a credit recovery course for a third time, the student will pay the cost to the District.					
Big Ideas Math	BIG IDEAS MATH ALGEBRA I					
	The Administration recommends that the Board approve a pilot of Big Ideas Math Algebra I at the high school at a cost not to exceed \$840.00.					
	For Information Only					
	The cost of the pilot is to be paid from Title IV funds. The pilot will include textbooks, workbooks, and online access.					
Smartfutures.org	SUBSCRIPTION TO SMARTFUTURES.ORG					

	The Administration recommends that the Board approve the subscription to Smartfutures.org, a Future Ready Career Plan and Portfolio Platform, from grades K-12, at a cost not to exceed \$5,400.00.
	For Information Only
	The cost of the subscription is to be paid from Title IV funds.
Donation	DONATION
	The Administration recommends that the Board accept a donation of 170 copies of the book, <i>I am Fine</i> , written by Dr. Daniela Owen, from Dana's Sweet Wishes. The book will be part of social-emotional learning lessons in first grade.
Pupil Personnel Report	PUPIL PERSONNEL REPORT – Dr. William P. Stropkaj
	The following action items will be considered at the October 20, 2020 Business/Legislative Meeting:
	BOARD ACTION REQUESTED
Letter of Agreement	LETTER OF AGREEMENT – CHARTIERS CENTER
	The Administration recommends that the Board approve the Letter of Agreement between Chartiers Center and Keystone Oaks School District for Student Assistant Program (SAP) Services for the 2020/2021 school year.
Letter of Agreement	LETTER OF AGREEMENT – CHARTIERS CENTER
	The Administration recommends that the Board approve the Letter of Agreement between Chartiers Center and Keystone Oaks School District for School Based Outpatient Mental Health Services for the 2020/2021 school year.
Wesley Family Services	WESLEY FAMILY SERVICES
	The Administration recommends that the Board approve the Individual Students Enrollment Agreements for four (4) District students between Wesley Family Services and the Keystone Oaks School District for the 2020/2021 school year.
Personnel Report	PERSONNEL REPORT – Mr. Matthew Cesario & Ms. Patricia A. Shaw
	The following action items will be considered at the October 20, 2020 Business/Legislative Meeting:
	BOARD ACTION REQUESTED
Resignations	RESIGNATIONS
	The Administration recommends that the Board accept the following resignations:

	Name	Position	Effective Date			
	Melanie Streitmatter	Pupil Services Secretary	October 2, 2020			
	Patience Sutherin	Custodian	September 25, 2020			
Appointments	APPOINTMENTS					
	1. Classified Empl	<u>oyee – Custodian</u>				
	-	•	<i>District Service Employees' International</i> recommended that the Board approve the			
	Keith Haley Custodian Effective: Octobe Salary: \$28,462.2	-				
	Michele McLan Custodian Effective: Octobe Salary: \$28,462.2	er 21, 2020				
2. <u>Day to Day Substitute</u>						
	It is recommende Substitute:	ed that the Board approve the f	ollowing individual as a Day to Day			
	Jared Colicchie Special Education Salary: \$125.00/c					
	3. <u>Approval of Ath</u>	letic Positions and Stipends				
	Agreement 2017		<i>ion Association Collective Bargaining</i> the Board approve the following			
	Support Position	Athletic Events Man	ager John McCarthy \$4,700.00			
	4. <u>Volunteer Gymnastic Coach</u>					
		ed that the Board approve Lau Schoedel (Sophomore) for the	ren Bradford as a Volunteer Gymnastic 2020/2021 school year.			
	5. <u>After-School Tu</u>	<u>toring Program</u>				

It is recommended that the Board approve the following individuals to participate in the After-School Tutoring Program for the 2020/2021 school year:

	Employee	<u>School</u>
	Cailin Irvine Matthew Sartore Georgia Yamalis	Fred L. Aiken Elementary School Fred L. Aiken Elementary School Fred L. Aiken Elementary School
	Andrew Bell Devan Pappaterra Lisa Plowman Beth Shephard	Dormont Elementary School Dormont Elementary School Dormont Elementary School Dormont Elementary School
	Elesa DiBello	Myrtle Avenue Elementary School
	Teresa Davidson Kristen Leitch Carolyn Manko Lisa McMahon Liz Venturella	Keystone Oaks Middle School Keystone Oaks Middle School/Dormont Elementary Keystone Oaks Middle School Keystone Oaks Middle School Keystone Oaks Middle School
	Rebekah Brooks Joshua Kirchner	Keystone Oaks High School Keystone Oaks High School
	For Information Only	
	Teachers compensation t Block Grant.	for After School Tutoring are paid from the Ready to Learn
Sabbatical Leave	SABBATICAL LEAVE	
		Board approve Theresa Twyman , 2 nd grade Teacher, Myrtle second semester of the 2020/2021 school year.
Tenure	TENURE	
		Board recognize the following individual as having completed the ne Commonwealth of Pennsylvania and achieving tenure on fessional Contract:
	Ramona Klein Aiken	/High School Librarian
Leave of Absence	LEAVE OF ABSENCE	
	It is recommended that the E Leave:	Board approve the following individual for Family and Medical

	Employee 3681 – Effective October 5, 2020 to January 19, 2021					
	Employee 4209 – Effective September 9, 2020 to December 3, 2020					
Finance Report	FINANCE REPORT – Ms. Raeann Lindsey					
	The following action items will be considered at the October 20, 2020 Business/Legislative Meeting:					
	BOARD ACTION REQUESTED					
Accounts Payable	ACCOUNTS PAYABLE APPROVAL LISTS THROUGH SEPTEMBER	30, 2020				
	The Administration recommends approval of the following Accounts Payable lists as presented in the <i>Finance Package</i> :					
	A. General Fund as of September 30, 2020 (Check No. 62873-63082)	\$964,840.45				
	B. Food Service Fund as of September 30, 2020 (Check No. 9274-9284)	\$7,753.95				
	C. Athletics as of September 30, 2020 (Check No. 3225-3230)	\$4,143.48				
	D. Capital Reserve as of September 30, 2020 (None.)	\$0.00				
	TOTAL	\$976,737.88				
	 Mr. Kubiak gave an update on the COVID Pandemic and the affect it has ha financials. Ms. Lindsey has scheduled a Finance Committee Meeting on Tuesday, Octo at 6:00 p.m. 					

Ms. Lindsey has scheduled an Activity and Athletics Committee Meeting on Monday, October 26 2020 at 6:00 p.m.

FOR INFORMATION ONLY

I. EXPENDITURE/REVENUE 2020 – 2021 BUDGET to ACTUAL / PROJECTION

ACCT	DESCRIPTION	2020-2021 BUDGET TOTAL	SE	2020-2021 3 MONTH PTEMBER/ACTUAL	OVER <mark>(UNDER)</mark> BUDGET
Rever	านe				
6000	Local Revenue Sources	\$ 29,055,241	\$	24,128,598	\$ (4,926,643)
7000	State Revenue Sources	\$ 12,349,006	\$	877,943	\$ (11,471,063)
8000	Federal Revenue Sources	\$ 946,330	\$	22,342	\$ (923,988)
Total	Revenue	\$ 42,350,577	\$	25,028,883	\$ (17,321,694)
					<mark>(OVER)</mark> UNDER BUDGET
Expen	nditures				
100	Salaries	\$ 17,502,435	\$	1,873,808	\$ 15,628,627
200	Benefits	\$ 10,794,110	\$	776,378	\$ 10,017,732
300	Professional/Technical				
	Services	\$ 1,863,096	\$	134,144	\$ 1,728,952
400	Property Services	\$ 1,124,200	\$	197,095	\$ 927,105
500	Other Services	\$ 5,242,271	\$	783,574	\$ 4,458,697
600	Supplies/Books	\$ 1,334,927	\$	714,491	\$ 620,436
700	Equipment/Property	\$ 328,850	\$	869,002	\$ (540,152)
800	Other Objects	\$ 490,420	\$	59,444	\$ 430,976
900	Other Financial Uses	\$ 4,500,000	\$	-	\$ 4,500,000
Total Expenditures		\$ 43,180,309	\$	5,407,936	\$ 37,772,373
Revenues exceeding Expenditures		\$ (829,732)	\$	19,620,947	\$ 20,450,679
Other Financing Sources/(Uses) Interfund Transfers In (Out)		\$ -	\$	-	\$ -

Activities & Athletics Report	ACTIVITIES & ATHLETICS REPORT – Ms. Raeann Lindsey					
кроп	The following action items will be considered at the October 20, 2020 Business/Legislative Meeting:					
	BOARD ACTION REQU	<u>UESTED</u>				
Extra Athletic Worker	EXTRA ATHLETIC W	ORKER POSITIONS FOR T	HE 2020/2021 SCHOOL YEAR			
Positions	It is recommended that the Board approve the following extra athletic worker positions and stipends for the 2020/2021 school year:					
	<u>Sport</u>	<u>Title</u>	Amount per Game			
	V – Varsity; JV	- Junior Varsity; MS - Middl	e School			
	Baseball/Softball	Game Manager (V) Book/Pitch Counter (V)	\$65 \$50			
	Boys/Girls Soccer	Game Manager (V, JV) Game Manager (MS) Clock (V, JV) Ticket Takers (V, JV)	\$65 \$50 \$60 \$38			
	Boys/Girls Volleyball	Game Manager (V, JV) Game Manager (MS) Clock (V, JV) Crowd Control (V, JV) Scoreboard (Girls V, JV) Scoreboard (MS)	\$65 \$50 \$60 \$50 \$60 \$50			
	Boys/Girls Basketball	Book (V, JV) Scoreboard (V, JV) Scoreboard (MS) Clock (V, JV) Game Manager (V, JV) Game Manager (MS) Crowd Control (V, JV) Ticket Takers (V, JV) Announcer (V, JV)	\$50 \$65 \$50 \$65 \$50 \$50 \$38 \$50			
	Football	Sticks (V) Clock (V, JV) Announcer (V) Scoreboard (V, JV, MS) Stats (V) Video (V) Parking/Security (V) Ticket Takers (V) 13	\$50 \$60 \$50 \$60 \$50 \$30 \$50 \$38			

		25 Second Clock (V)	\$65
		Game Manager (V, JV)	\$65
		Game Manager (MS)	\$50
		Game Manager (MS)	\$30
	Swimming	Gama Managar (V)	\$65
	Swimming	Game Manager (V)	
		Game Manager (MS)	\$50
		Ticket Taker (V)	\$38
			A < A
	Wrestling	Scoreboard (V)	\$60
		Ticket Taker (V, JV)	\$38
		Game Manager (V, JV)	\$65
		Crowd Control (V, MS)	\$50
			·
	Track	Timer	\$35
		Timer (FAT System)	\$60
		Timer (TTTT System)	φοσ
	For Information Only		
	<u>r or information only</u>		
	The Amount Per Game is th	e same as the 2019/2020 school year.	
	The Amount I et Game is th	e same as the 2017/2020 senoor year.	
E-4 Addadta Wardson	ΕΥΤΡΑ ΑΤΗΙ ΕΤΙς ΜΟΙ	RKERS' FOR THE 2020/2021 SCHO	NOL VEAD
Extra Athletic Workers	EATRA ATHLETIC WU	KERS FOR THE 2020/2021 SCH	JOL YEAK
		Board approve the following individual	s as Extra Athletic
	Workers' for the 2020/2021	school year:	
			- 4 - 14
	Roiann Backstrom	Bill Irvine	Tyler Pajak
	Andrew Bell	Nicholas Kamberis	Beth Papotnik
	Trista Boyes	Rich Keebler	Greg Perry
	Keith Buckley	Bill Ketrow	Pat Reilly
	Kelly Connolly	Josh Kirchner	Lainey Resetar
	Patty Costatini	Jonathan Kovac	Dean Sandonas
	-		
	Allyson Culp	Nancy Kramer	Jeff Sieg
	Christina DeAngelis	Craig Lawhead	Bill Simon
	Jeremy Diven	Louis Lippert	Sam Simon
	Kelly Diven	Amy Longo	Kim Smykal
	Paul Elphinstone	John McCarthy	Donda Snell
	Christian Erny	Steve McCormick	CJ Thomas
	Diane Ferguson	Clare Moore	Amy Torcaso
	Jennifer Freese	Madeline Morris	
			Jerry Tuite
	Judith Fritz	Ron Muszynski	Judy Wareham
	Sue Grand	Ed Nock	Ryan Warner
	Hope Harris	Meghan O'Brien	Evan Wiessert
	Caitlin Hogel	TJ O'Farrel	Felix Yerace
	John Hoffman	Mike Orosz	Jordan Zange
	Bruce Hrivnak	Mike Orsi	0
	Ken Hustava	Beth Padden	

	• Ms. Lindsey thanked all coaches and teams for how well 2020/2021 season.	they are handling the			
Transportation Report	rt TRANSPORTATION REPORT – Mr. Santo Raso				
	The following action items will be considered at the October Business/Legislative Meeting:	20, 2020			
	BOARD ACTION REQUESTED				
Transportation Program	TRANSPORTATION PROGRAM				
- · · g	It is recommended that the Board approve the Transportation school year as presented in the Transportation Booklet.	Program for the 2020/2021			
	• Dr. Stropkaj thanked the Board on behalf of the families in our District for allowing some fans in the stadium.				
Adjournment	 Dr. Stropkaj and Mrs. Welch talked about the upcoming v regard to Spirit Week and Homecoming. Dr. Stropkaj, Mr have all been working very hard to make things as normal school. ADJOURNMENT 	. Linnert and Mrs. Welch			
	On the motion of Mrs. Lydon, seconded by Mr. LaPorte, the 8:17 p.m.	neeting was adjourned at			
	Motion p	assed 9-0			
	Respectf	ully submitted,			
	Joseph A Board Se	Kubiak ecretary			
		S. Myers Board Secretary			

Timestamp	Name	Borough of	Comment
		Residency	
October 9, 2020 1:34 PM	Fran Zukiewicz	Dormont	KO Seniors and their community hoursshadowing a job. No one will allow him to do anything with the virus epidemic. Any suggestions?
October 9, 2020 1:44 PM	Randi Daffner	Greentree	When will we be moving to a new schedule that includes more in person instruction? Many districts have already made this change, and we are approaching a new quarter soon.
October 9, 2020 2:24 PM	Pete Lawrence	Greentree	What is the timeline for moving forward with a 4 or 5 day in person school week? Many local school districts have already moved to this format. Is there a good possibility we can be there by Thanksgiving or earlier, the end of the year at the latest?
October 9, 2020 3:19 PM	Lisa Kaminski	Greentree	Please open the schools full time! My kids are struggling even with the hybrid. It is so hard for my boys to sit in front of a computer all day and be expected to sit still and pay attention. I am not able to work because I have to supervise and help them with making sure they are doing what they are supposed to be doing. Of course we care about health and with the precautions that have been made, I think it is possible to open full time. Many districts in our area are now open full time. Thank you!
October 12, 2020 9:17 AM	Peter Kaminski	Greentree	Please allow my three children to return to School full time to acquire a proper education, to many distractions at home and to be able to give full attention to all three of my children at once is overwhelming.
October 12, 2020 10:51 AM (continued via e-mail)	Jaime Rea	Greentree	Dr. Stropkaj and members of the School Board- I am writing to you to ask in support of sending students back to school for at least 4 days a week. Many school districts have policies in place that are working for social distancing, wearing masks, and keeping kids safe. I worry about our children's mental health with this current model, as well as their engagement in virtual learning. I strongly feel that we as a community can make this work, and I'm willing to volunteer for a committee that serves as a community "think tank" for bringing students back safely. Members of the board have mentioned that they have not heard many complaints from the community about the current model. I beg to differ. Although most families comply with the guidance given by our administration, they are also concerned with their child's well being.

			My fear is that we will continue this model until flu season, stay in this model BECAUSE of flu season, and then realizing it is April, wanting to finish the school year in this model because, well, it's what we've done for most of the year. Would you consider surveying parents about sending back their child 4-5 days a week? Thank you for all you do and for taking the time to read this comment. Jaime Rea
October 12, 2020 10:56 AM	Lindsey O'Donnell	Greentree	 Dear School Board Members and Dr. Stropkaj, As a mother of a 1st grader at Aiken, and a member of the Aiken PTO Board, I am asking that we strongly consider not moving the school year to a 4 day a week or more schedule until after the holidays, at least. With national COVID cases spiking, and flu season upon us, we will have a lot of families traveling and spending time with people outside of the community, increasing the likelihood of transmission and illness. My son is in a hybrid structure now and seems to have settled in to the routine, although not optimal, it seems to be working. I am in favor of the kids being in person, but I am also cautious to do so before the time is favorable for a good outcome. I appreciate the consideration. Thank you, Lindsey O'Donnell Aiken Elementary
October 12, 2020 12:30 PM	Nicholas Weirick	Greentree	I would like to commend Keystone Oaks on the handling of school instruction while COVID-19 remains a serious threat. The hybrid model; use of masks by students, faculty and staff; distancing measures; and frequent hand washing have given my family peace of mind while our daughter attends in-person on a part-time basis. I would like to encourage

			 the district to continue with all of the current measures, including the hybrid instruction model, for the foreseeable future. With flu season upon us, it's important to follow Dr. Fauci's guidance (https://www.nbcnews.com/health/health-news/fauci-says-u-s-needs-hunker-down-fall-winter-n1239798) and not let up too soon. I realize for many people the hybrid model presents challenges and is not ideal. We should be optimistic about things getting better, but also pragmatic in the approach that's taken to protect the health of students and teachers. Let's continue on the path that already been established and is working, rather than making changes and potentially regretting it in the future. Thank you, Nicholas Weirick
October 12, 2020 3:41 PM	Dave Rea	Greentree	First, thank you Mr. Thomas, Mrs. Turner and the staff at Aiken for doing a tremendous job. Second, we would like to see KOSD transition to "in- person instruction" at least 3 days per week. If the given the choice, we are comfortable with 5 days per week in class. Finally, could you explain why live public comment during virtual board meetings is not an option. Thank you!
October 12, 2020 6:30 PM	Catherine B Muick	Greentree	We are parents of 4 elementary age children and there needs to be more of a focus on getting these kids back to school more days during the week. The amount of stress and screen time they experience on virtual days is too much for any child of any age to have to handle. Please bring these kids back to school!
October 12, 2020 7:17 PM	Vicki Bruce	Castle Shannon	I want to thank the board, Dr. Stropkaj, as well as all the teacher and staff who have gone above and beyond to make sure our children are safe. I truly appreciate the time and effort you have all put into making sure our children are getting the education they need while also keeping them safe. Thank you so much for not rushing into things due to pressure. I feel my children are thriving. We initially started virtual and switched to hybrid after a month in. It was seamless, painless, and brought joy and emotional stability to my family. I hope you continue to use the guidance (what little you are getting) from the state and research/science to make your educated decisions to keep our children safe. I think this plan you have proposed for

			the 2nd quarter is excellent and a great way to monitor shifts in the covid cases. Being able to easily pivot from in-person to virtual is key and other districts (including the one I currently work for) should really follow your lead. Thank you so much from the Bruce family!
October 12, 2020 7:33 PM	Jenna Clinton	Greentree	Although I appreciate your attempt to increase the amount of in school instruction, I feel like 2 additional days a month will do little to help with increasing the amount of attention and instruction my child receives. At home learning is a distinct disadvantage to any child. The environment is not conductive to 5 hours of instructional learning for a child. I don't know why our district, which is one of the smallest in the region has to be at more of a disadvantage than any of the other districts in the region. Most districts are now or will be providing 4 to 5 days of in school learning as they realize the advantages to learners especially early learners.
October 12, 2020 8:36 PM	Lisa Shartle		Thanks again for your continued hard work and dedication to our children, especially during these difficult times. After reading the planned outline for the upcoming 9 weeks, I wanted to reach out to encourage more in-person instruction days be considered. I believe my children need more interaction with not only their peers, but their teachers.
			This would also be more in line with neighboring school districts plans. I understand class-size is a challenge but I've heard many of the classes have a low number of students in them. I know personally, my daughter has 3 main classes that only have 2 other students physically in the class with her. The other classes my children have, average 5 students physically in class.
			Is there room for additional in-person days, if a family chooses? Please take this into consideration before moving forward. Thanks again for your time and hard work.
October 12, 2020 9:03 PM	Jessica Dobson	Dormont	I need to voice my opinion that our schools need to reopen. Online learning is not working for most of the younger students. Those who wish to stay home can still do so, but those that are suffering in more ways than just education, need the option to be taught at school. This is in no way a reflection of a poor job by the teachers, as they are doing an incredible job working in this environment. This strictly has to do with many other

October 12, 2020 9:09 AM	Geoff Dobson	Dormont	 districts reopening and KO now proposing to stay on this hybrid model until at least Jan 29. This needs to be reworked and brought to at least 4 days of in person learning. More and more schools in the Pittsburgh region are operating 4 or 5 days per week in-person instruction, and I think Keystone Oaks should follow
			suit. For many of us with young learners, and small children at home, this is not sustainable, in fact, it's exhausting. Please consider another plan, with 4 or 5 days per week, as soon as possible.
October 12, 2020 9:13 PM	Jordan Seymour	Dormont	Thank you to the school board and the entire staff and faculty of KO for all your hard work. I am very excited to see the education plan for period two. It gives my child an opportunity to attend in person school a few more days a month, while maintaining the social distancing guidelines that will only become more important as we head into cold and flu season. I know there are no perfect answers for this very trying year, but thank you for thinking this through.
October 12, 2020 9:35 PM	Toni Wilson	Dormont	I have a sincere amount of gratitude for the teachers, staff and administrators who have put an immense amount of time and effort to educate our children while equally keeping them safe. I have been impressed with the current hybrid option and am pleased with how my children are learning. I am in support of the current hybrid plan as well as the adjusted second 9 week plan put forth for the Oct 13th meeting. I have significant reservations about the idea of children returning to a 4 or 5 day a week plan particularly during the start of flu season. Again, thank you for your commitment to our children.
October 12, 2020 9:44 PM	Melissa Reinert	Dormont	 Dear Keystone Oaks Board of School Directors, I appreciate your time and energy expended to read and interpret different guidance from many organizations during this time. Your efforts have not gone unnoticed by me any many other peers of mine. Our family is utilizing the Option B (remote synchronous) and it is working well for our family. The teachers work hard to keep our students engaged and learning in this unusual season. We are so appreciative of all of their hard work. We think maintaining this remote option and also a hybrid option for our peers is the right approach as we enter cold and flu season. It will maintain the most continuity for students who are eligible for some

			days of attendance in the school building while continuing to preserve social distancing. Thank you for your consideration and for thinking our students, teachers and staff first before the demands of any other entity
October 12, 2020 9:57 PM (via e-mail)	Nicole Boback	Dormont	Members of the KOSD School Board,
			I am writing to you as a parent of three children in the Keystone Oaks school district, two of whom attend Dormont Elementary and one in the Middle School. I understand that you are meeting tomorrow to discuss updates to the 2020/2021 Education Plan, a school year which has proven to be a challenge for our entire community. I am incredibly thankful to be part of the Keystone Oaks school district at this time. I have been consistently impressed with the decisions made by the school board, decisions which have caused some controversy, but are based on the most current health recommendations and with the health of students, teachers, and the greater community at the forefront. I appreciate that public opinion and subsequent pressure has not undermined your ability to make informed decisions and I hope that you continue to base the education plan on the most current research and recommendations. I also appreciate having the option to educate my children from home, with the support of their KOSD teachers and online interaction with peers. I hope that you continue to support families in making choices that best meet their own needs during this difficult time. Thank you for your consideration.
October 12, 2020 10:27 PM	Tania	Greentree	Nicole Boback The proposed schedule indicates an effective date of November which is too soon to make changes to parents work schedules. Also the F2F and online days are not conducive to working parents trying to balance the new aballances. A more consistent schedule would be preferred.
October 12, 2020 11:07 PM	Juline Babajanov	Greentree	challenges. A more consistent schedule would be preferredWhen reading the new proposed schedule starting in the second semester Iwas extremely surprised with it. This proposal is too soon for this change inschedules. The inconsistency is difficult with the adults work schedules. Inall honesty I am happy and content with how our cohorts are going toschool two days and virtual three. My children are learning great and doing

		well with this schedule. With the holidays coming up it's just too inconsistent of change. I would like to suggest for our cohorts to remain the same schedule as it is currently. Thank you for listening.
October 13, 2020 12:14 AM	Kevin Gallagher – KOEA President	 Dear Members of the Board, Since KOEA had no opportunity for input on the additional day of in-person instruction, the membership is sending the following questions and concerns prior to Tuesday's meeting: Has the end of the 1st semester moved or is it still January 15th? Is the contractual clerical day still on the 18th? IEP and SAP meetings were intentionally scheduled for Wednesdays to avoid needing other teachers to cover classes since we have limited substitutes. Who will now be covering classes during these meetings? How many building subs are currently in each building? We were assured that each building would have them. There are none, to our knowledge. The additional in-person student day, was any consideration given to staff safety or well being, adding significant responsibilities and demands to an already increased workload? We have received nothing but positive feedback from parents and students; why do principals keep saying there are complaints led to this proposed schedule change? Even with only 4 days of in-person instruction, district administration has repeatedly violated the MOU and contract including but not limited to evaluations, duties, planning time, the code of conduct, and district policies. Adding another in-person student day will only increase these violations.

		Policy No.	103
KEYSTON	E OAKS SCHOOL DISTRICT	Section	PROGRAMS
Poli		Title	NONDISCRIMINATION/ IN SCHOOL & CLASSROOM PRACTICES TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS
Gui	de schools	Adopted	<u>AUGUST 21, 1989</u>
		Revised	MARCH 20, 2018; JUNE 26, 2014; FEBRUARY 16, 1998
	NONDISCRIMINATION CLASSROOM PRACTICE HARRASSMENT AFFE THIS POLICY SHALL S	<mark>S</mark> /TITLE IX SI CTING STUDE	EXUAL ENTS
Section 1	Authority		
	The Board declares it to be the polic an equal opportunity for all students potential through the programs and schools without discrimination on the creed, religion, gender, sexual orient expression, ancestry, national origin handicap/disability, limited English legally protected category.	s to achieve thei activities offere he basis of race, itation, gender io n, marital status,	r maximum d in the color, age, dentity and pregnancy, r maximum 1601-C et seq. Title-22 PA CodeSee. 4.4, 12.1.12.4, 15.1 et seq.
	The Board also declares it to be the comply with federal law and regular prohibiting sexual harassment, which discrimination on the basis of sex. So referred to throughout this policy as Inquiries regarding the application of be referred to the Title IX Coordinal Secretary for Civil Rights of the U.So or both.	tions under Title ch is a form of u Such discriminat s Title IX sexual of Title IX to the tor, to the Assis	District to20 U.S.C. Sec.e IX1681 et seq.nlawful29 U.S.C. Sec.tion shall be42 U.S.C. Sec.harassment.2000d et seq.,e district may12101 et seq., 1981et seq.
	The District is committed strives to	the maintainma	

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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, on school grounds, at districtschool-sponsored programs or activities and includingon any conveyance providing transportation to or from a school entity-or school- sponsored activitiesy.	XIV
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.	Pol. 113.1, 218, 233, 817
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, person(s) in parental relation, 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 A-students and or third partiesy who believes theys/he or others haves been subject to Title IX sexual harassment, other discrimination or retaliation-conduct by any students, employee, or third party that constitutes a violation of this policy is encouraged to immediately promptly report such	

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the incidents to the building principal, even if some elements the related incident took place or originated away from scho grounds, school activities or school conveyances. A person is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a repor discrimination. Any person with knowledge of conduct that violate this policy, is encouraged to immediately report the matter to the building principal.	ool who rt of
The student's person(s) in parental relation or any other pers 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 been subject to conduct that constitutes a violation of this po- shall immediately report the incident to the building principa well as properly making any mandatory police or child protective services reports required by law.	olicy
If the building principal is the subject of a complaint, the student, third party, or reporting employee shall report the incident directly to the Title IX Coordinator Compliance Off	ïcer .
The District shall provide to all students, without discriminal course offerings, counseling, assistance, services, employme athletics and extracurricular activities. The District shall mal reasonable accommodations for identified physical and men impairments that constitute handicaps and disabilities, consi with the requirements of federal and state laws and regulation The Board encourages students and third parties who believe they or others have been subject to discrimination to prompt report such incidents to designated employees, even if some elements of the related incident took place or originated awa from school grounds, school activities or school conveyance	ent, ke ttal stent ons. e tly s
The complainant or the individual making the report may us Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) attached to the policy for purposes of reporting an incident or incidents in writing; however, verbal reports of an incident or incidents s	se the

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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 103-AR-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 103-AR-3, or other Board policies.	
The Board directs that verbal and written complaints of discrimination shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. The Board directs that any complaint of discrimination brought pursuant to this policy shall also be reviewed for conduct which may not be proven discriminatory under this policy, but merits review and possible action under 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 103-AR-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.	Pol. 113.1, 113.2, 113.3, 233
When an emergency removal, as described in 103-AR-3, is	Pol. 113.1, 113.2,

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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.	218, 233
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 complaint 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.	20 U.S.C. 1232g 34 CFR 106.44, 106.45, 106.71 34 CFR Part 99
Retaliation	
The Board prohibits retaliation by the District or any other person against any person for:	34 CFR 106.71
 Reporting or making a formal complaintreport 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 , or opposition ng to practices the person	

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	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. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.	
Section 2	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.	29 CFR Sec. 1604.11, 1606.8 526 U.S. 629
	Discrimination	(1999) 503 U.S. 60 (1992)
	Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category.	
	Discriminatory Harassment	
	Harassment by students, employees or third parties on the basis of race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category or for participation in reports or investigations of alleged discrimination is a form of discrimination and is subject to this	
	policy. A person who is not necessarily an intended victim or target of such harassment, but is adversely affected by the offensive conduct may file a report of discrimination on his/her own behalf.	
	For purposes of this policy, Hharassment is a form of	

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discrimination based on the protected classifications listed in this policy shall 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 and which relates to an individual's or group's race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category-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.	34 CFR 106.30, 106.45
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	34 CFR 106.30

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where	no formal complaint has been filed.	
equal unreas measu educat	access to the educational program or activity without sonably burdening the other party, including tres designed to protect the safety of all parties or the tional environment, or to deter sexual harassment. artive measures may include, but are not limited to:	34 CFR 106.30
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.	Leaves of absence.	
7.	Increased security.	
8.	Monitoring of certain areas of the campus.	
9.	Assistance from domestic violence or rape crisis programs.	
10	. Assistance from community health resources including counseling resources.	
evalua related Educa based limited behav	ortive measures may also include assessments or ations to determine eligibility for special education or d services, or the need to review an Individualized tion Program (IEP) or Section 504 Service Agreement on a student's behavior. This could include, but is not d to, a manifestation determination or functional ioral assessment (FBA), in accordance with applicable egulations or Board policy.	Pol. 103.1, 113, 113.1, 113.2, 113.3

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	IX sexual harassment means conduct on the basis of sex atisfies one or more of the following:	34 CFR 106.30
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:	34 U.S.C. 12291
	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	34 U.S.C. 12291

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domestic or family violence laws of the jurisdiction.	
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 U.S.C. 1092
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:	34 U.S.C. 12291
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.	34 CFR 106.30, 106.44, 106.45
Sexual harassment is a form of discrimination on the basis of sex and is subject to this policy. For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, graphic or physical conduct of a sexual nature when:	
 Submission to such conduct is made explicitly or implicitly a term or condition of a student's status in any educational or other programs offered by a school; or 	

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	2. Submission to or rejection of such conduct is used as the
	basis for educational or other program decisions
	affecting a student; or
	3. Such conduct deprives a student or group of individuals
	of educational aid, benefits, services or treatment; or
	4. 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 in school or school-
	related programs, or otherwise creates an intimidating,
	hostile, or offensive school or school-related
	environment such that it unreasonably interferes with the
	complainant's access to or participation in school or
	school-related programs.
	Federal law declares sexual violence a form of sexual
	harassment. Sexual violence means physical or sexual acts
	perpetrated against a person's will or where a person is
	incapable of giving consent due to the victim's use of drugs or
	alcohol. An individual may also be unable to give consent due to
	an intellectual or other disability. Sexual violence includes but is
	not limited to rape, sexual assault, sexual battery and sexual
	coercion.
Section 3	Delegation of Responsibility
	In order to maintain a program of nondiscrimination practices
	that is in compliance with applicable laws and regulations the
	Board designates the Superintendent as the District's
	Compliance Officer. The title and authority may be delegated to
	an administrative member. However, in the event the title and
	authority is delegated to an administrative member, that member
	will always keep the Superintendent informed of complaints
	filed and investigations conducted. The Board designates the
	Director of Pupil Services as the District's Title IX Coordinator.
	The Compliance Officer shall publish and disseminate this
	policy and complaint procedure at least annually to students,
	parents/guardians, employees, and the public through handbooks
	and on the district website to notify them of where and how to
	initiate complaints under this policy. All nondiscrimination
	mulae complaints under this poney. All nondisermination

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notices or information shall include the position, the name, office address, telephone number and email address of the Compliance Officer designated in this policy.

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

- 1. Curriculum and Materials Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
- Training Provide sion of 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 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 asavailable 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.
- District Support Assureance 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 assessmentstests, procedures, and guidance and counseling materials for stereotyping and discrimination.

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7. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing informal and formal building principals or designee in processing complaints.

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

- 1. If the building principal is the subject of the complaint, refer the student to the Compliance Officer to carry out these responsibilities.
- 2. Inform the student or third party about this policy including the right to an investigation of both oral and written complaints of discrimination.
- 3. Obtain consent from person(s) in parental relationarents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18). Inform the person(s) in parental relationarents/guardians and students who are complainants or accused of violating this policy that theys/he may be accompanied by a person in parental relationarent/guardian during all steps of the complaint procedure.
- 4. Provide relevant information on resources available in addition to the school complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
- 5. Immediately notify the Compliance Officer of the complaint. The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer or an attorney and shall promptly assign the

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	investigation to that individual.
	6. After consideration of the allegations and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and others as necessary from violation of this policy during the course of the investigation.
Section 4	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.
	 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

POLICY NO. 103 NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS	
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.	
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:	Pol. 113.1, 218, 233
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.	Po. 817, 817.1
Reports of Discrimination	

NONDISCRIM CLASSROOM PI	OLICY NO. 103 IINATION IN SCHOOL AND RACTICES/TITLE IX SEXUAL NT AFFECTING STUDENTS	
Coordinator and do not r harassment but are based gender, sexual orientatio ancestry, national origin, handicap/disability, limit legally protected categor	ation that are reviewed by the Title IX neet the definition of Title IX sexual d on race, color, age, creed, religion, on, gender identity and expression, , marital status, pregnancy, ted English proficiency, or any other ry shall follow the Discrimination a 103-AR-2 to this policy.	
Reports of Title IX Sexu	al Harassment	D 1 00 ¢
definition of sexual haras Title IX Sexual Harassm	the Title IX Coordinator to meet the ssment under Title IX shall follow the nent Procedures and Grievance Process n 103-AR-3 to this policy.	Pol. 806
Step 1 - Reporting		
conduct by any students, constitutes a violation of immediately report the in person with knowledge of	who believes s/he has been subject to employee, or third party that this policy is encouraged to neident to the building principal. Any of conduct that may violate this policy, ately report the matter to the building	
been subject to conduct to shall immediately report	suspects or is notified that a student ha that constitutes a violation of this policy the incident to the building principal, a any mandatory police or child ts required by law.	+
	is the subject of a complaint, the mployee shall report the incident ce Officer.	
district's report form (10 website, from the buildir but oral complaints shall	rting employee is encouraged to use the 03-AR-1) available on the district 1g principal or the administrative office be accepted, documented and the implemented. The person accepting the	,

POLICY NO. 103 NONDISCRIMINATION-IN SCHOOL AND CLASSROOM PRACTICES/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS

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 Compliance Officer 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

Pol. 806, 862 18 Pa. C.S.A. Sec. 2709

POLICY NO. 103 NONDISCRIMINATION-IN SCHOOL AND CLASSROOM PRACTICES/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS

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 incident is pending or has been cancelled or 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 a written report to the Compliance Officer within twenty (20) days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of investigation and the availability of witnesses required 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 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 discriminatory harassment or sexual 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

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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 constitutes 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 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 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, 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

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N	ONDISCRIMINATION IN SCHOOL AND
CLA	SSROOM PRACTICES/TITLE IX SEXUAL
HA	ARRASSMENT AFFECTING STUDENTS
find	ling made pursuant to the policy or with the
corr	ective action recommended in the investigative
repe	ort, s/he may submit a written appeal to the
Cor	npliance Officer within fifteen (15) days. If the
Cor	npliance Officer investigated the complaint, such
app	eal shall be made to the Superintendent.
2. The	individual receiving the appeal shall review the
	estigation and the investigative report and may also
	duct or designate another person to conduct a
	conable supplemental investigation to assess the
	iciency and propriety of the prior investigation.
3. The	person handling the appeal shall prepare a written
	oonse to the appeal within twenty (20) days. Copies of
-	response shall be provided to the complainant, the
	used, and the investigator who conducted the
	estigation.
	Sugaron
Previously 16, 1998	Revised: March 20, 2018; June 26, 2014; February
References	:
School Cod	le – 24 P.S. Sec. 1301-A, 1310, 1610-C et seq.
	l of Education Regulations – 22 PA Code Sec. 4.4,
12.1, 12.4,	15.1 et seq.
Unfair Edu	cation Practices – 24 P.S. Sec. 5004
Pennsylvan	ia Human Relations Act – 43 P.S. Se. 951 et seq.
Section 504	4 of the Rehabilitation Act – 29 U.S.C Sec. 794.
Americans	With Disabilities Act -42 U.S.C Sec. 12101 et seq.

Federal Anti-Discrimination and Civil Rights Laws – 20 U.S.C. Sec. 1681 et seq. (Title IX), 42 U.S.C. Sec. 2000d et seq. (Title VI), 42 U.S.C. Sec. 1981 et seq.

POLICY NO. 103 Nondiscrimination -in-school-and	
CLASSROOM PRACTICES/TITLE IX SEXUAL	
HARRASSMENT AFFECTING STUDENTS	
Federal Anti-Discrimination and Civil Rights Regulations – 29 CFR 1604.11, 1606.8	
U.S. Const. Amend. XIV, Equal Protection Clause	
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)	
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)	
Office for Civil Rights – Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties (January 2001)	
Office for Civil Rights - Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability (Oct. 26, 2010)	
Title 18 Crimes and Offenses – 18 Pa. C.S.A. 2709	
Board Policy – 103.1, 218, 247, 249, 806, 862	

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:

Name/Position: Suzanne Lochie-Director Pupil Services

Email: lochie@kosd.org

Phone Number: <u>412-571-6013</u>

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, <u>not</u> a formal complaint of Sexual Harassment under Title IX.

103 Discrimination/Title IX Sexual Harassment Affecting Students – Attachment – 103-AR-1

ð í				
Name:				
Address:				
Phone Number:				
School Building:				
I am a:				
\Box Student \Box Parent/Guardian \Box Employee \Box Volunteer \Box 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: \Box Your Child \Box Another Student \Box 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:				
$\Box \text{ Student(s)} \qquad \Box \text{ Employee(s)}$				
□ Other(please explain relationship to the district)				

I. Information About the Person Making This Report:

103 Discrimination/Title IX Sexual Harassment Affecting Students - Attachment - 103-AR-1

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?

 \Box Yes \Box No

If yes, who did you tell about it?

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

103 Discrimination/Title IX Sexual Harassment Affecting Students – Attachment – 103-AR-1

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

103 Discrimination/Title IX Sexual Harassment Affecting Students – Attachment – 103-AR-1

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 103-AR-3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

Name:			
Address:			
Phone Number:			
School Building:			
Reporter is a:			
□ Student □ Parent/Guardian □ Em	ployee 🗆 Volum	teer 🗆 Visitor	
□ Other	(please explai	n relationship to the District)	
If the reporter is not the victim of the reported conduct, please identify the alleged victim:			
The alleged victim is: Reporter's Child			
□ Other:	_(please explain relati	onship to the alleged victim)	

I. Reporter Information:

103 Discrimination/Title IX Sexual Harassment Affecting Students - Attachment - 103-AR-1

II. Respondent Information

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

Name(s):

The reported respo	ondent(s) is/a	are:		
\Box Student(s) \Box] Employee(s)		
□ Other			(please explain rela	tionship to the District)
III. Level of Report	t:			
□ Informal	□ Formal (see additional infor	mation below on Titl	e IX formal complaints)
IV. Type of Report	:			
□ Title IX Sexual Ha	arassment	□ Discrimination	□ Retaliation	□ Bullying
□ Hazing	□ Dating Vi	olence	□ Other	
Nature of the Report (check all that apply):				
			□Age	
\Box Color			\Box Creed	
□ Religion			\Box Sex	
□ Sexual Orientation		□ Sexual Harassment (Title IX)		
□ National Origin				
□ Marital Status		Pregnancy Perlacing		
□ Handicap/Disability □ Hazing		□ Bullying □ Dating Violence		
□ 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).

103 Discrimination/Title IX Sexual Harassment Affecting Students - Attachment - 103-AR-1

How often did the conduct occur?

Is it being repeated? \Box Yes \Box 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?

 \Box No.

 \Box 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.)

 \Box No.

 \Box Yes, please describe:

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VII. Other Reports

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

 \Box 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 252. Dating Violence
 Policy 256. Bullying
 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?

 \Box Yes

 \Box 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):

 \Box 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.

 \Box 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.

 \Box 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):

 \Box No further action at this time. Reason:

Policy 247. Hazing
Policy 252. Dating Violence
Policy 256. Bullying
Other ______

□ Policy 103-AR-2 Discrimination Complaint Procedures

□ Policy 104-AR-2 Discrimination Complaint Procedures

- Policy 103-AR-3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints
- Policy 104-AR-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 person(s) in parental relation 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 person(s) in parental relation 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 person(s) in parental relation.

- 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.

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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.

 \Box Yes \Box 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:

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, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category that <u>do not</u> constitute Title IX sexual harassment as defined in the Policy 103.

All reports of discrimination shall be reviewed by the Title IX Coordinator upon receipt to determine if the allegations meet the definition and parameters of sexual harassment under Title IX. If the result of this review determines that the allegations fall within the scope of Title IX sexual harassment, then the process set forth in Policy 103-AR-3 for Title IX Sexual Harassment shall be followed.

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 103 but merits review and possible action under the Code of Student Conduct and other Board policies. (Pol. 103.1, 218, 247, 252, 256)

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, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category.

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.

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, 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, 140, 240, 906)

Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building principal 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, 806, 817.1, 847)

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

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/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) or by making a general report verbally or in writing to the building principal.

The person(s) in parental relation 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 shall immediately report the incident to the building principal. Additionally, employees who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy. (Pol. 806)

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

If the building principal is the subject of a complaint, the student, third party or employee 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/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1), 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/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1), 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/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1). 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(103-AR-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 103-AR-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 103-AR-2 implemented.

When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the <u>Director of Special Education</u> 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 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 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 designee shall seek to obtain consent from person(s) in parental relation to initiate an investigation where the complainant or alleged victim is under age eighteen (18), and inform person(s) in parental relation of the complainant that the complainant may be accompanied by a person in parental relation during all steps of the complaint procedure. When a person in parental relation requests confidentiality and will not consent to the alleged victim's participation in an investigation, the building principal or designee shall explain that the school shall 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 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, 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 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 if applicable.

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, another district employee, or an attorney and shall promptly assign the investigation to that individual. When a person in parental relation has requested confidentiality and will not consent to the alleged victim's participation in an investigation, the Compliance Officer shall provide the person in parental relation 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 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, person(s) in parental relation 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 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 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 103 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, 247, 256)

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 and regulations. (Pol. 103, 104, 113.1, 218, 233, 817, 817.1)

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.

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

The Title IX sexual harassment procedures and grievance process for formal complaints prescribed in this attachment apply only when a report includes allegations of sexual harassment subject to Title IX regulations. (34 CFR 106.44, 106.45)

All other reports or complaints of discrimination or retaliation shall follow the complaint procedures established in Policy 103 Attachment (103-AR-2) regarding discrimination.

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 <u>not</u> 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 and the Code of Student Conduct 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.
- 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. Leaves of absence.
- 7. Increased security.
- 8. Monitoring of certain areas of the campus.
- 9. Assistance from domestic violence or rape crisis programs.
- 10. 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. (Pol. 103.1, 113, 113.1, 113.2, 113.3)

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

<u>General Response – (with or without a formal complaint)</u>

Any person, whether the alleged victim or not, may report Title IX sexual harassment using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) or by making a general report verbally 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 verbal or written report. Upon receipt of a report, school staff shall immediately notify the building principal.

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/Bullying/Hazing/Dating Violence/Retaliation Report Form(103-AR-1), and these procedures shall be implemented appropriately.

District staff who become aware of bullying, hazing, harassment or other discrimination affecting a student or staff member shall promptly report it to the building principal.

Person(s) in parental relation of students have the right to act on behalf of the complainant, the respondent, or other individual 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 shall be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator shall use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) 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 the Code of Student Conduct and other Board policies or 103-AR-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, 247, 252, 256, 817, 817.1)

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 contact the person(s) in parental relation and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.

If the complainant, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the person(s) in parental relation 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 person(s) in parental relation.

The Title IX Coordinator shall also determine what supportive measures may be offered to the respondent.

If either party is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the <u>Director of Special Education</u> 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)

- 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.

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.

When an emergency removal, as described below, 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. (Pol. 113.1, 113.2, 113.3, 233)

When an emergency removal is not required, disciplinary sanctions will 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. (Pol. 113.1, 113.2, 218, 233)

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 any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the <u>Director of Special Education</u> 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, 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, 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, 140, 240)

Emergency Removal -

If the District has determined, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of any student or other individual due to the allegations of Title IX sexual 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 shall contact the <u>Director of Special Education</u> to coordinate the required actions in accordance with Board policy. The respondent shall be provided with notice and provided an opportunity for due process, 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 shall 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 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. (29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12101 et seq., 34 CFR 106.44, Pol. 817)

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. 218, 317.1, 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 the Code of Student Conduct and other Board policies or 103-AR-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 the Code of Student Conduct and other Board policies or 103-AR-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 or the complainant's person in parental relation 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 <u>not</u> 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 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. 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/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) 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 person(s) in parental relation of known parties, where 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

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, the 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, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services, 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. (Pol. 113.4, 207, 209, 216)
- 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.

However the District may request a nondisclosure agreement be signed by the parties and their advisor(s), if any, stating that they will not disseminate or disclose evidence and documents exchanged in the investigation.

- 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 <u>not</u> 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 <u>at least</u> 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, 806, 817.1)

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 the Code of Student Conduct or Board policy. 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. A decision whether and when to take such 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 Finance and Human Resources

If the Director of Finance and Human Resources 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 Code of Student Conduct or Board policies 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 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, 218, 233, 817, 817.1)

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 20 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 Superintendent.

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 five (5) 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 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 the 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.

Policy No. 104 **KEYSTONE OAKS SCHOOL DISTRICT** Section PROGRAMS Policy **KEYSTONE NON**DISCRIMINATION OAKS **IN EMPLOYMENT** Title PRACTICES/TITLE IX SEXUAL HARRASSMENT **AFFECTING STAFF** Guide **SCHOOLS** <u>AUGUST 21, 1989</u> Adopted Last Revised MARCH 20, 2018: JUNE 26, 2014; FEBRUARY 16, 1998 POLICY NO. 104 **NONDISCRIMINATION/TITLE IX SEXUAL** HARRASSMENT AFFECTING STAFF-IN EMPLOYMENT PRACTICES THIS POLICY SHALL SUPERSEDE POLICY 848. Section 1 **Authority** The Board declares it to be the policy of this District to provide 43 P.S. Sec. 336.3, to all persons equal access to all categories of employment in 951 et seq. this District, regardless of race, color, age, creed, religion, 34 CFR 106 gender, sexual orientation, gender identity and expression, 20 U.S.C. Sec. ancestry, national origin, marital status, genetic information, 1681 et seq. pregnancy, handicap/disability, limited English proficiency, or 29 U.S.C. Sec. 206, any other legally protected category. The District shall make 621 et seq., 794 reasonable accommodations for identified physical and mental 42 U.S.C. Sec. impairments that constitute disabilities, consistent with the 1981 et seq., 2000e requirements of federal and state law and regulations. et seq., 2000ff et seq., 12101 et seq. U.S. Const. Amend. The Board also declares it to be the policy of this District to comply with federal law and regulations under Title IX XIV prohibiting sexual harassment, which is a form of unlawful Pol. 806, 817, 824 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 administratordesignated employees.

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 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 104-AR-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 104-AR-3, or other Board policies.

The Board directs that verbal and written complaints of discrimination shall be investigated promptly, and appropriate corrective action be taken when allegations are substantiated. The Board directs that any complaint of discrimination brought pursuant to this policy shall also be reviewed for conduct which may not be proven discriminatory under this policy, but merits review and possible action under 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 104-AR-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

	POLICY NO. 104 NONDISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STAFF-IN EMPLOYMENT PRACTICES	
	Confidentiality of all parties, witnesses, the allegations, the filing of a report complaint , 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.	20 U.S.C. 1232g 34 CFR 106.44, 106.45, 106.71 34 CFR Part 99
	Retaliation	
	The Board prohibits retaliation by the District or any other person against any person for:	Pol. 817
	1. Reporting or -making a formal complaint report 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, or opposing 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. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.	
Section 2	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.	42 U.S.C. 2000ff et seq. 29 CFR 1604.11, 1606.8
	Discrimination	1000.0
	Discrimination shall mean to treat individuals differently, or to	

harass or victimize based on a protected classification including race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category.

Discriminatory Harassment

Harassment by students, employees or third parties on the basis of race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status genetic information, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category is a form of discrimination and is subject to this policy. A person who is not necessarily an intended victim or target of such harassment but is adversely affected by the offensive conduct may file a report of discrimination on his/her own behalf.

For purposes of this policy, **Hharassment** is a form of discrimination based on the protected classifications listed in this policyshall 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: and which relates to an individual's or group's race, color, age, ereed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status genetic information, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category when such conduct is:

- 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

42 U.S.C. 2000e et seq

POLICY NO. 104 NONDISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STAFF-IN EMPLOYMENT PRACTICES	
1. Sufficiently severe, persistent or pervasive; and	
2.3.Such conduct is sufficiently severe, persistent or pervasive that aA 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 threatening or abusive working environment such that it alters deprives or adversely interferes the complainant's working conditions- 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.	34 CFR 106.30, 106.45
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.	34 CFR 106.30
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:	34 CFR 106.30

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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.	
	X sexual harassment means conduct on the basis of sex tisfies one or more of the following:	34 CFR 106.30
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 <i>quid pro quo sexual harassment</i> .	
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.	

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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:	34 U.S.C. 12291
	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.	34 U.S.C. 12291
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 U.S.C. 1092
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:	34 U.S.C. 12291

	POLICY NO. 104 NONDISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STAFF-IN EMPLOYMENT PRACTICES	
	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.	34 CFR 106.30, 106.44, 106.45
	For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, electronic, graphic or physical conduct of a sexual nature when:	
	1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or	
	 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.	
Section 3	Delegation of Responsibility	
	In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent as the District's Compliance Officer. The title and authority may be delegated to	

an administrative member. In the event that the title and authority is delegated to an administrative member, the delegated administrator will notify the Superintendent when a complaint is filed and during the investigation, and will file a completed report with the Superintendent. The Board designates the Director of Pupil Services as the District's Title IX Coordinator.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees, and the public to notify them of where and how to initiate complaints under this policy. All nondiscrimination notices or information shall include the name, office address, telephone number and email address of the Compliance Officer designated in this policy.

The Compliance Officer and Title IX Coordinator shall fulfill designated responsibilities be responsible 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 sion of 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, 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 formalbuilding principals or designees in processing complaints.

The building principal, supervisor or designee shall be responsible to promptly complete the following duties upon receipt of a report of discrimination or retaliation from employees or third parties:

- 1. If the building principal or supervisor is the subject of the complaint, refer the complainant to the Compliance Officer to carry out these responsibilities.
- 2. Inform the employee or third party about this policy including the right to an investigation of both verbal and written complaints of discrimination.
- 3. Provide relevant information on resources available in addition to the school complaint procedure such as making reports to the police, available assistance from domestic violence and rape crisis programs, and community health resources including counseling resources.
- 4. Immediately notify the Compliance Officer of the complaint. The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another employee, the Compliance Officer or an attorney and shall promptly assign the investigation to that individual.
- 5. After consideration of the allegations and in consultation with the Compliance Officer and other appropriate

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	individuals, promptly implement interim measures as appropriate to protect the complainant and others as necessary from violation of this policy during the course of the investigation.	
Section 4	<u>Guidelines</u>	
	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.	
	 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	

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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.	
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.	Pol. 806, 817, 817.1, 847
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 104-AR-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 104-AR-3 to this policy.	
Complaint Procedure Employee/Third Party	
Step 1 — Reporting	
An employee or third party who believes s/he has been subject to conduct by any student, employee, or third party that	

constitutes a violation of this policy is encouraged to immediately report the incident to the building principal or the employee's supervisor. Any person with knowledge of conduct which may violate this policy, is encouraged to immediately report the matter to the building principal or supervisor.

If the building principal or supervisor is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer. The complainant or reporting employee is encouraged to use the report form (104–AR–1) available on the district website, from the building principal or the administrative office, 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 discrimination investigation shall be authorized to conduct an investigation of a complaint made pursuant to this policy.

The investigator shall work with the Compliance Officer 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 outside of school or school-sponsored activities, 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 reporting the alleged discrimination, 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 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 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 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 eriminal or child protective services investigation. **Step 3 – Investigative Report**

The investigator shall prepare and submit a written report to the Compliance Officer within twenty (20) days, unless the nature of the allegations, anticipated extent of the investigation and 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 report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy and any other violation of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discriminatory harassment or sexual 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 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 law or Board 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 Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws.

Appeal Procedure

- 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 Compliance Officer within fifteen (15) days. If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.
- 2. 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.
- 3. The person handling the appeal 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.

Previously Revised: March 20, 2018; June 26, 2014; February 16, 1998

References:

Pennsylvania Equal Pay Law – 43 P.S. Sec. 336.3

POLICY NO. 104 NONDISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STAFF-IN EMPLOYMENT PRACTICES
Pennsylvania Human Relations Act – 43. P.S. Sec. 951 et seq.
Equal Pay Act – 29 U.S.C. Sec. 206
Age Discrimination in Employment Act – 29 U.S.C. Sec. 621 et seq.
Section 504 of Rehabilitation Act – 29 U.S.C. Sec. 794
Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.
Federal Anti-Discrimination and Civil Rights Laws – 20 U.S.C. Sec. 1681 et seq., 42 U.S.C Sec. 1981 et seq., 42 U.S.C. Sec. 2000e et seq., 42 U.S.C. 2000ff et seq.
Federal Anti-Discrimination and Civil Rights Regulations – 29 CFR 1604.11, 1606.8
U.S. Const. Amend. XIV, Equal Protection Clause
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
Board Policy – 806, 817, 824

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:

Name/Position: Suzanne Lochie-Director Pupil Services

Email: <u>lochie@kosd.org</u>

Phone Number: <u>412-571-6013</u>

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 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, <u>not</u> a formal complaint of Sexual Harassment under Title IX.

I. Information About the Person Making This Report:

Name:	_
Address:	
Phone Number:	
Assigned School Building:	
I am a:	
 Employee □ Volunteer □ Visitor Other If you are not the victim of the reported conduction 	(please explain relationship to the District)
Name:	
The alleged victim is: \Box Another Employee	□ Student
□ Other:	(please explain relationship to the alleged victim)
II. Information About the Person(s) You Be Harassing or Other Discrimination You are	A
What is/are the name(s) of the individual(s) yo are reporting?	u believe is/are responsible for the conduct you
Name(s):	
The reported individual(s) is/are:	
\Box Student(s) \Box Employee(s)	

□ Other______(please explain relationship to the District)

104 Discrimination/Title IX Sexual Harassment Affecting Staff – Attachment – 104-AR-1

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?

 \Box Yes \Box No

If yes, who did you tell about it?

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

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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 104 and 104-AR-3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

Name:	
Address:	
Phone Number:	
School Building:	
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: \Box Another Employee	□ Student
□ Other:	_(please explain relationship to the alleged victim)

I. Reporter Information:

II. Respondent Information

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

Name(s):

The reported respond	lent(s) is/are:	
\Box Student(s) \Box H	Employee(s)	
□ Other		(please explain relationship to the District)
III. Level of Report:		
	∃Formal (see additional infor	mation below on Title IX formal complaints)
IV. Type of Report:		
□ Title IX Sexual Hara	assment	\Box Retaliation \Box Other
Nature of the Report	(check all that apply):	
□Race		□Age
□ Color		□ Creed
□ Religion		\Box 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).

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How often did the conduct occur?

Is it being repeated? \Box Yes \Box 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?

 \Box No.

 \Box 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 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 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.)

 \Box No.

 \Box Yes, please describe:

VII. Other Reports

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

 \Box 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 during a school program or activity involving a person in the United States?

 \Box Yes

 \Box 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):

 \Box 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.

 \Box 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):

 \Box No further action at this time. Reason:

□ Policy 104-AR-2 Discrimination Complaint Procedures

Policy 104-AR-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 pursuant to Title IX.

 \Box Yes \Box No

Complainant's Signature:

Date: _____

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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 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 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:

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, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, genetic information, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category that do not constitute Title IX sexual harassment as defined in Policy 104.

All reports of discrimination shall be reviewed by the Title IX Coordinator upon receipt to determine if the allegations meet the definition and parameters of sexual harassment under Title IX. If the result of this review determines that the allegations fall within the scope of Title IX sexual harassment, then the process set forth in Policy 104-AR-3 for Title IX Sexual Harassment shall be followed.

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, 817)

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, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, genetic information, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category.

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, 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, 817.1, 805.1, 806, 847)

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 (104-AR-1) 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, person(s) in parental relation 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(104-AR-1), 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 (104-AR-1), 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 (104-AR-1). 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 104-AR-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 104-AR-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 104-AR-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 <u>Director of Special Education</u> 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, 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, person(s) in parental relation, 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, 817)

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, 817, 817.1)

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.

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

The Title IX sexual harassment procedures and grievance process for formal complaints prescribed in this attachment apply only when a report includes allegations of sexual harassment subject to Title IX regulations. (34 CFR 106.44, 106.45)

All other reports or complaints of discrimination or retaliation shall follow the complaint procedures established in Policy 103-AR-2 regarding discrimination.

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

<u>General Response – (with or without a formal complaint)</u>

Any person, whether the alleged victim or not, may report Title IX sexual harassment using the Discrimination/Sexual Harassment/Retaliation Report Form (104-AR-1) 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 (104-AR-1), 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, person(s) in parental relation 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 (104-AR-1) 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 <u>Director of Special Education</u> 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 <u>Director of Special Education</u> 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, 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, 847)

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 104-AR-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 <u>not</u> 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 (104-AR-1) 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 person(s) in parental relation 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

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 person in parental relation 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)
- 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.

However the District may request a nondisclosure agreement be signed by the parties and their advisor(s), if any, stating that they will not disseminate or disclose evidence and documents exchanged in the investigation.

- 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 <u>not</u> 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 <u>at least</u> 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, 817.1, 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 Finance and Human Resources.

If the Director of Finance and Human Resources 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, 817, 817.1)

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 20 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 Superintendent.

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 five (5) 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 the 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.

		Policy No.	_247
KEYSTONE OAKS S	CHOOL DISTRICT	Section	PUPILS
Policy		Title	HAZING
Guide		Adopted	AUGUST 15, 2017

Last Revised

POLICY NO. 247 HAZING THIS POLICY SHALL SUPERSEDE POLICY 257. Section 1 **Purpose** The purpose of this policy is to maintain a safe, positive environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the District and are prohibited at all times. Section 2 **Definitions** Hazing occurs when a person For purposes of this policy hazing 24 P.S. Sec. 5352 is defined as any action or situation which recklessly or 18 Pa. C.SA. 2802 intentionally, knowingly, or recklessly, endangers the mental or physical health or safety of a person or which willfully destroys or removes public or private property for the purpose of initiatingon, or admitting, ssion into or affiliating ion with, or as for the purpose of a condition of continuinged membership or enhancing membership or status in- any organization causes

coerces or forces a student to do any of the following . The term	
shall include, but not be limited to:	
1. Violate federal or state criminal law.	
$\frac{2}{2}$	
3.2. Forced-Ceonsumeption of any food, liquid, alcoholic	
liquidor, drug or other substance which subjects the	
student to a risk of emotional or physical harm.	
4.	
5.3. EndureAny brutality of a physical nature, includingsuch	

	POLICY NO. 247 HAZING	
	as whipping, beating, branding, calisthenics or exposure to the elements.	
6.	Forced calisthenics.	
7	Exposure to the elements.	
4.	Endure brutality of a mental natureAny other forced physical activity which could adversely affect the physical health and safety of the individual, and shall includinge any activity adversely affecting mental health or dignity of the individual,which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced or thatconduct which is intended to or could result in humiliation, extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual. Endure brutality of sexual nature.	24 P.S. Sec. 5352
8. 6.	Endure any other activity that creates a reasonable likelihood of bodily injury to the student.	
9. 7.	Any willful destruction or removal of public or private property.	
00	vated hazing occurs when a person commits an act of that results in serious bodily injury or death to the student	18 Pa. C.S.A. 280
	The person acts with reckless indifference to the health and safety of the student; or	
	The person causes, coerces or forces the consumption of an alcoholic liquid or drug by the student.	
	zational hazing occurs when an organization onally, knowingly or recklessly promotes or facilitates	18 Pa. C.S.A. 280 2808
	tivity, as described above, shall be deemed a violation of icy regardless of whether:	18 Pa. C.S.A. 280

	POLICY NO. 247 HAZING	
	1. The consent of the student was sought or obtained, or	
	 The conduct was sanctioned or approved by the school or organization. 	
	For purposes of this policy, any activity, as described above, upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be a "forced" activity or the subject feels coerced into participation, the willingness of an individual to participate in such activity notwithstanding.	
	For purposes of this policy, Sstudent activity or organization means is defined as any activity, society, corps, organization, team, club or service, social or similar, society, or group operating under the sanction of or recognized as an organization by the District, whose members are primarily students or alumni of the organization.	18 Pa. C.S.A. 2801 SC 511
	For purposes of this policy, bodily injury shall mean impairment of physical condition or substantial pain.	18 Pa. C.S.A. 2301
	For purposes of this policy, serious bodily injury shall mean bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.	18 Pa. C.S.A. 2301
Section 3	Authority	
	The Board prohibits hazing in connection with any student activity or organization regardless of whether the conduct occurs on or off school property or outside of school hours.	18 Pa. C.S.A. 2808, 2806 SC 511 24 P.S. Sec. 5354
	No student, person in parental relationarent/guardian, coach, sponsor, volunteer or district employee shall engage in, condone or ignore any form of hazing.	Pol. 122,123
	The Board encourages students who believe they, or others, have been subjected to hazing or become aware of a hazing to promptly report such incidents to any staff member.	

	POLICY NO. 247	
	HAZING	
	Title IX Sexual Harassment and Other Discrimination	
	Every report of alleged hazing that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of a hazing investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged hazing.	Pol. 103, 103.1
Section 4	Delegation of Responsibility	
	Students, person(s) in parental relationarents/guardians, coaches, sponsors, volunteers, and district employees shall be alert to incidents of hazing and shall report such conduct to the building principal or designee.	
	District administrators shall investigate promptly all complaints of hazing and administer appropriate discipline to any individual or student activity or organization found to be in violation of this policy.	
Section 5	Guidelines	
	In addition to posting this policy on the district's website, the	18 Pa. C.S.A. 2808
	District shall annually-inform students, person(s) in parental relationarents/guardians, sponsors, volunteers and district employees of the District's policy prohibiting hazing, including District rules, penalties for violations of the policy, and the program established by the District for enforcement of the policy that hazing is prohibited, by means including publication in handbooks and verbal instructions by the coach or sponsor at the start of the season or program.	24 P.S. Sec. 5354
	This policy, along with other applicable district policies, procedures and Codes of Conduct, shall be provided to all school athletic coaches and all sponsors and volunteers affiliated with a student activity or organization annually, prior to coaching an athletic activity or serving as a responsible adult	SC 511 24 P.S. Sec. 5354

POLICY NO. 247 HAZING supervising, advising, assisting or otherwise participating in a student activity or organization together with a notice that they are expected to read and abide by the policies, procedures and Codes of Conduct. These individuals must acknowledge that they have read and understood this policy. **Complaint Procedure** When a student who believes that theys/he haves been subject to hazing or is aware of a hazing incident, the student shall to promptly report the incident, orally or in writing, to any staff member. Staff members shall report such incidents to their immediate supervisor. Students are encouraged to use the District's report form (103-AR-1), available from the building principal or on the District's website, or to put the complaint in writing; however, oral complaints shall be accepted and documented. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of a violation of this policy. The Board directs that verbal and written complaints of hazing shall be provided to the building principal or designee, who shall promptly notify the Superintendent or designee of the allegations and determine who shall conduct the investigation. <u>SC 511</u> Allegations of hazing shall be investigated promptly, and 24 P.S. Sec. 5354 appropriate corrective or preventative action be taken when Pol. 218, 233 allegations are substantiated. The Board directs that any complaint of hazing brought pursuant to this policy shall also be reviewed for conduct which may not be proven to be hazing under this policy but merits review and possible action under other Board policies. The principal shall conduct a timely, impartial, thorough, and comprehensive investigation of the 24 P.S. Sec. 5354 alleged hazing. The principal shall also notify the Pol. 218 Superintendent of the investigation. The principal shall prepare a written report summarizing the investigation and recommending disposition of the complaint. Pol. 817 The District shall document the corrective action taken.

POLICY NO. 247 HAZING	
Interim Measures/Police	
Upon receipt of a complaint of hazing, the building principal or designee, in consultation with the Superintendent or designee, shall determine what, if any interim measures should be put in place to protect students from further hazing, bullying, discrimination or retaliatory conduct related to the alleged incident and report. Such interim measures may include, but not be limited to, the suspension of an adult who is involved, the separation of alleged victims and perpetrators, and the determination of what the complaining student needs or wants through questioning.	
Those receiving the initial report and conducting or overseeing the investigation will assess whether the complaint, if proven, would constitute hazing, aggravated hazing or organizational hazing and shall report it to the police consistent with district practice and, as appropriate, consult with legal counsel about whether to report the matter to the police at every stage of the proceeding. The decision to report a matter to the police should not involve an analysis by district personnel of whether safe harbor provisions might apply to the person being reported, but information on the facts can be shared with the police in this regard.	18 Pa. C.S.A. 2810
Referral to Law Enforcement and Safe Schools Reporting Requirements –	
For purposes of reporting hazing incidents to law enforcement in accordance with Safe Schools Act reporting, 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.	SC 1303-A 22 PA Code 10.2 35 P.S. 780-102
The Superintendent or designee shall immediately report required incidents and discretionary incidents, as defined in the Safe Schools Act, committed by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to	22 PA Code 10.20, 10.21, 10.22 SC 1303-A, 1302.1-A Pol. 805.1

POLICY NO. 247 HAZING	
the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.	
The Superintendent or designee shall notify the person in parental relation of any student directly involved in a defined incident as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the person in parental relation whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the person in parental relation.	22 PA Code 10.20, 10.25 Pol. 805.1
In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the Office for Safe Schools on the required form.	24 P.S. 1303-A
Confidentiality	
Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with applicable law, regulations, this policy and the District's legal and investigative obligations.	
Retaliation	
Reprisal or retaliation relating to reports of hazing or participation in an investigation of allegations of hazing is prohibited and shall be subject to disciplinary action.	
Consequences for Violations	
Safe Harbor –	
An individual needing medical attention or seeking medical attention for another shall not be subject to criminal prosecution if the individual complies with the requirements under law, subject to the limitations set forth in law.	18 Pa. C.S.A. 2810
Students –	

HAZING	
If the investigation results in a substantiated finding of hazing, or an attempt to circumvent or impede an investigation the investigator-principal shall recommend appropriate disciplinary action up to and including expulsion, as circumstances warrant, in accordance with the Code of Student Conduct. Additionally, Tthe student may also be subject to disciplinary action by the coach or sponsor, up to and including removal from the activity or organization. The fact of whether a student qualified for and received safe harbor under a criminal investigation shall be considered in assigning discipline.	18 Pa. C.S.A. 2808, 2810 SC 511 Pol. 218, 233
Building principals shall take such disciplinary action for violations of this policy as is appropriate and within their authority, as set forth in policy and the Code of Student Conduct.	
Nonstudent Violators/Organizational Hazing -	
If the investigation results in a substantiated finding that a coach, sponsor, or volunteer affiliated with the student activity or organization engaged in, condoned or ignored any violation of this policy, the coach, sponsor, or volunteer s/he shall be disciplined in accordance with Board policy and applicable laws and regulations. Discipline could include, but is not limited to, dismissal from the position as coach, sponsor, or volunteer, and/or dismissal from district employment.	Pol 817
If an student activity or organization is found to have engaged in organizational hazing, it shall be subject to the imposition of fines and other appropriate penalties. authorizes hazing in blatant disregard of this policy or other applicable district rules, Ppenalties may also-include rescission vocation of permission for that organization to operate on school property or to otherwise operate under the sanction or recognition of the District.	
Criminal Prosecution –	
Any person or organization that who causes or participates in hazing and/or is knowledgeable of a hazing event and fails to report may also be subject to criminal prosecution.	18 Pa. C.S.A. 2808

POLICY NO. 247 HAZING	
References:	
School Code – 24 P.S. Sec. 511	
Anti-hazing Law – 24 P.S. Sec. 5351 et seq	
Board Policy – 122, 123, 218, 233, 817	24 P.S. Sec. 5354 24 P.S. Sec. 5353

KEYSTONE OAKS SCHOOL DISTRICT

Policy Guide



Policy No. <u>252</u>

Section <u>PUPILS</u>

Title

DATING VIOLENCE

Adopted

Last Revised _____

	POLICY NO. 252 DATING VIOLENCE	
Section 1	<u>Purpose</u>	
	The purpose of this policy is to maintain a safe, positive learning environment for all students that is free from dating violence. Dating violence is inconsistent with the educational goals of the District and is prohibited at all times.	
Section 2	Definitions	
	Dating Partner shall mean a person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long-term.	SC 1553
	Dating Violence shall mean behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner.	SC 1553
Section 3	Authority	
	The Board encourages students who have been subjected to dating violence to promptly report such incidents.	
	The District shall investigate promptly all complaints of dating violence and shall administer appropriate discipline to any student who violates this policy.	Pol. 218

	DOLLOV NO 252	
	POLICY NO. 252 DATING VIOLENCE	
	Title IX Sexual Harassment and Other Discrimination	
	Every report of alleged dating violence that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of a dating violence investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged dating violence.	Pol. 103, 103.1
Section 4	Guidelines	
	Complaint Procedure	
	When a student believes that they have been subject to dating violence, the student is encouraged to promptly report the incident, orally or in writing, to any staff member. Students and/or staff members may use form 103-AR-1 for reporting such incidents.	
	The building principal shall conduct a timely, impartial, and comprehensive investigation of the alleged dating violence.	
	The building principal shall prepare a written report summarizing the investigation and recommending disposition of the complaint. The complainant and the accused shall be informed of the outcome of the investigation.	SC 1553
	If the investigation results in a substantiated finding of dating violence, the building principal shall recommend appropriate disciplinary action, as circumstances warrant, in accordance with the Code of Student Conduct.	SC 1553 Pol. 218
	The District shall document the corrective action taken and, where not prohibited by law, inform the complainant.	

POLICY NO. 252 DATING VIOLENCE	
This policy on dating violence shall be:	SC 1553
1. Published in the Code of Student Conduct.	
2. Published in the Student Handbook.	
3. Made available on the District's website.	
4. Provided to person(s) in parental relation.	
Dating Violence Training	
The District may provide dating violence training to guidance counselors, nurses, and mental health staff at the high school as deemed necessary. At the discretion of the Superintendent, person(s) in parental relation and other staff may also receive training on dating violence.	SC 1553
Dating Violence Education	
The District may incorporate age-appropriate dating violence education into the annual health curriculum framework for students in grades nine through twelve. The District shall consult with at least one (1) local domestic violence program or rape crisis program when developing the educational program.	SC 1553 71 P.S. 611.13
A person in parental relation of a student under the age of eighteen (18) shall be permitted to examine the instructional materials for the dating violence education program.	SC 1553 Pol. 105.1
At the request of the person in parental relation, the student may be excused from all or part of the dating violence education program.	SC 1553 Pol. 105.2
References:	
School Code – 24 P.S. Sec. 1553	
Board Policy – Pol. 103, 103.1, 105.1, 105.2, 218	

KEYSTONE OAKS SCHOOL DISTRICT

Policy Guide



Policy No.	817.1	

Section **OPERATIONS**

Title EDUC.

EDUCATOR MISCONDUCT

Adopted

JUNE 27, 2017

Last Revised

	POLICY NO. 817.1 EDUCATOR MISCONDUCT	
Section 1	<u>Purpose</u>	
	The Board adopts this policy to promote the integrity of the education profession and to create a climate within district schools that fosters ethical conduct and practice.	
Section 2	<u>Authority</u>	
	The Board requires certificated district employees to comply with the Code of Professional Practice and Conduct and the requirements of the Educator Discipline Act.	22 PA Code 235.1 et seq. 24 P.S. 2070.1a
Section 3	Definitions	
	Educator – a person who holds a certificate.	24 P.S. 2070.1b
	Certificate – any Commonwealth of Pennsylvania certificate, commission, letter of eligibility or permit issued under the School Code.	24 P.S. 2070.1b
	Sexual Abuse or Exploitation – shall mean any of the following:	23 Pa. C.S.A. 6303
	1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:	
	a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any	

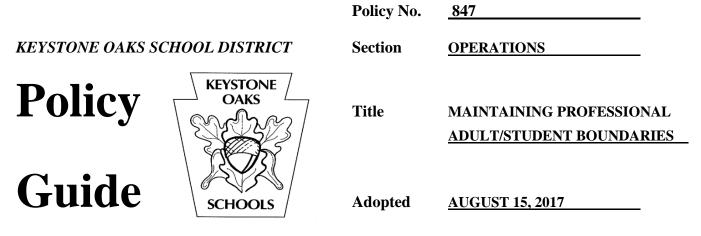
POLICY NO. 817.1 EDUCATOR MISCONDUCT	
individual.	
b. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.	
c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.	
d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.	
2. Any of the following offenses committed against a child: rape; statutory sexual assault; involuntary deviate sexual intercourse; sexual assault; institutional sexual assault; aggravated indecent assault; indecent assault; indecent exposure; incest; prostitution; sexual abuse; unlawful contact with a minor; or sexual exploitation.	
Sexual Misconduct – any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student, such acts include but are not limited to:	24 P.S. 2070.1b
 Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual. 	
2. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.	
3. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.	

	POLICY NO. 817.1 EDUCATOR MISCONDUCT	
	 Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming. 	
Section 4	Delegation of Responsibility	
	Duty to Report	
	The Superintendent or designee shall report to the Pennsylvania Department of Education on the required form, within fifteen (15) days of receipt of notice from an educator or discovery of the incident, any educator:	24 P.S. 2070.9a
	1. Who has been provided with notice of intent to dismiss or remove for cause, notice of removal from eligibility lists for cause, or notice of intent not to reemploy for cause.	
	2. Who has been arrested or convicted of any crime that is graded a misdemeanor or felony.	
	3. Against whom there are any allegations of sexual misconduct or sexual abuse or exploitation involving a child or student.	
	4. Where there is reasonable cause to suspect that s/he has caused physical injury to a child or student as the result of negligence or malice.	
	5. Who has resigned or retired or otherwise separated from employment after a school entity has received information of alleged misconduct under the Educator Discipline Act.	
	6. Who is the subject of a report filed by the school entity under 23 Pa. C.S. Ch. 63 (relating to child protective services)	Pol. 806
	 Who the school entity knows to have been named as a perpetrator of an indicated or founded report under 23 Pa. C.S. Ch. 63. 	

	POLICY NO. 817.1	
	EDUCATOR MISCONDUCT	
	An educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Superintendent and his/her immediate supervisor, within fifteen (15) days of discovery of such misconduct.	24 P.S. 2070.9a
	All reports submitted to the Pennsylvania Department of Education shall include an inventory of all information, including: documentary and physical evidence in possession or control of the school relating to the misconduct resulting in the report.	24 P.S. 2070.9a
	An educator who is arrested or convicted of a crime shall report the arrest or conviction to the Superintendent or designee, within seventy-two (72) hours of the occurrence, in the manner prescribed in Board policy.	SC 111 24 P.S. 2070.9a Pol. 817
	Failure to comply with the reporting requirements may result in professional disciplinary action.	24 P.S. 2070.9c
Section 5	Guidelines	
	Investigation	
	School officials shall cooperate with the Pennsylvania Department of Education during its review, investigation, or prosecution, and shall promptly provide the Pennsylvania Department of Education with any relevant information and documentary and physical evidence upon request.	24 P.S. 2070.11
	Upon receipt of notification in writing from the Pennsylvania Department of Education, the Superintendent or designee shall investigate the allegations of misconduct as directed by the Department and may pursue its own disciplinary procedure as established by law or by collective bargaining agreement.	24 P.S. 2070.11
	Within ninety (90) days of receipt of notification from the Pennsylvania Department of Education directing the school district to conduct an investigation (extensions may be requested), the Superintendent or designee shall report to Department the outcome of its investigation and whether it will	24 P.S. 2070.11

POLICY NO. 817.1 EDUCATOR MISCONDUCT	
pursue local employment action. The Superintendent or designee may make a recommendation to the Department concerning discipline. If the District makes a recommendation concerning discipline, it shall notify the educator of such recommendation.	
Title IX Sexual Harassment and Other Discrimination	
Whenever the allegations underlying a report of educator misconduct include conduct that appears to constitute harassment or other discrimination, including Title IX sexual harassment, subject to policies and procedures specific to such conduct, the Title IX Coordinator shall be promptly notified and shall respond to such allegations as provided in the applicable Board policies. Whenever an investigation by the District of educator misconduct reveals indications of conduct by any person that appears to constitute harassment or other discrimination, including Title IX sexual harassment, the Title IX Coordinator shall be promptly notified and shall respond to such allegations as provided in policies specific to such discrimination. To the extent feasible, investigations pursuant to discrimination policies shall be conducted jointly with investigations by the District of educator misconduct.	Pol. 103, 104
Confidentiality Agreements	
The District shall not enter into confidentiality or other agreements that interfere with the mandatory reporting requirement.	24 P.S. 2070.11
<u>Confidentiality</u>	
Except as otherwise provided in the Educator Discipline Act, all information related to any complaint, any complainant, or any proceeding related to discipline under the Educator Discipline Act shall remain confidential unless or until public discipline is imposed.	24 P.S. 2070.17b
<u>Immunity</u>	
Any person who, in good faith, files a complaint or report, or who provides information or cooperates with the Pennsylvania Department of Education or Professional Standards and Practices Commission in an investigation or proceeding shall be	24 P.S. 2070.17a

POLICY NO. 817.1 EDUCATOR MISCONDUCT
immune from civil liability. The District also is immune from civil liability for the disclosure of information about the professional conduct of a former or current employee to a prospective employer of that employee.
References:
School Code – 24 P.S. Sec. 111
Educator Discipline Act – 24 P.S. Sect 2070.1 et seq.
Pennsylvania's Code of Professional Practice and Conduct for Educators – 22 PA Code Sec. 235.1 et seq.
Chile Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.
Board Policy – 806, 817



Last Revised

	POLICY NO. 847 MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES	
Section 1	Authority	
	This policy applies to district employees, volunteers, student teachers, and independent contractors and their employees who interact with students or are present on school grounds. For purposes of this policy, such individuals are referred to collectively as adults . The term adults as used in this policy, does not include district students who perform services on a volunteer or compensated basis.	
	All adults shall be expected to maintain professional, moral and ethical relationships with district students that are conducive to an effective, safe learning environment. This policy addresses a range of behaviors that include not only obviously unlawful or improper interactions with students, but also precursor grooming and other boundary-blurring behaviors that can lead to more egregious misconduct.	
	The Board directs that all adults shall be informed of conduct that is prohibited and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures.	SC 510
	This policy is not intended to interfere with appropriate pre- existing personal relationships between adults and students and their families that exist independently of the District or to interfere with participation in civic, religious or other outside organizations that include district students.	

	POLICY NO. 847 MAINTAINING PROFESSIONAL ADULT/STUDENT	
	BOUNDARIES	
Section 2	Definition	
	For purposes of this policy, legitimate educational reasons include matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student's physical injury or other medical needs, school administration or other purposes within the scope of the adult's assigned job duties.	
	For purposes of this policy, electronic communication shall mean a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant or pager. Electronic communications include, but are not limited to, emails, instant messages and communications made by means of an Internet website, including social media and other networking websites.	
Section 3	Delegation of Responsibility	
	The Superintendent or designee shall annually inform students, parents/guardians, and all adults regarding the contents of this Board policy through employee and student handbooks, posting on the district website, and by other appropriate methods.	
	The building principal or designee shall be available to answer questions about behaviors or activities that may violate professional boundaries as defined in this policy.	
	Independent contractors doing business with the District shall ensure that their employees who have interaction with students or are present on school grounds are informed of the provisions of this policy.	Pol. 818
Section 4	<u>Guidelines</u>	
	Adults shall establish and maintain appropriate personal boundaries with students and not engage in any behavior that is prohibited by this policy or that creates the appearance of prohibited behavior.	

MA	POLICY NO. 847 INTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES	
Prohib	ited Conduct	
Roman	ntic or Sexual Relationships -	
or atter studen Studen	shall be prohibited from dating, courting, or entering into mpting to form a romantic or sexual relationship with any t enrolled in the District, regardless of the student's age. its of any age are not legally capable of consenting to tic or sexual interactions with adults.	18 Pa. C.S.A. Sec. 3124.2 24 P.S. Sec. 2070.9f
	ited romantic or sexual interaction involving students es, but is not limited to:	
1.	Sexual physical contact.	
2.	Romantic flirtation, propositions, or sexual remarks.	
3.	Sexual slurs, leering, epithets, sexual or derogatory comments.	
4.	Personal comments about a student's body.	
5.	Sexual jokes, notes, stories, drawings, gestures or pictures.	
6.	Spreading sexual or romantic rumors.	
7.	Touching a student's body or clothes in a sexual or intimate way.	
8.	Accepting massages, or offering or giving massages other than in the course of injury care administered by an athletic trainer, coach, or health care provider.	
9.	Restricting a student's freedom of movement in a sexually intimidating or provocative manner.	
10.	Displaying or transmitting sexual objects, pictures, or depictions.	

POLICY NO. 847 MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES

Social Interactions -

In order to maintain professional boundaries, adults shall ensure that their interactions with students are appropriate.

Examples of prohibited conduct that violates professional boundaries include, but are not limited to:

- 1. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students.
- 2. Exchanging notes, emails or other communications of a personal nature with a student.
- 3. Giving personal gifts, cards or letters to a student without written approval from the building principal.
- 4. Touching students without a legitimate educational reason. (Reasons could include the need for assistance when injured, a kindergartner having a toileting accident and requiring assistance, appropriate coaching instruction, or appropriate music instruction).
- 5. Singling out a particular student or students for personal attention or friendship beyond the ordinary professional adult-student relationship.
- 6. Taking a student out of class without a legitimate educational reason.
- 7. Being alone with a student behind closed doors without a legitimate educational reason.
- 8. Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason.
- 9. Sending or accompanying a student on personal errands.
- 10. Inviting a student to the adult's home.

POLICY NO. 847 MAINTAINING PROFESSIONAL ADU BOUNDARIES	LT/STUDENT
11. Going to a student's home without a legenducational reason.	gitimate
12. Taking a student on outings without pri and approval from both the parent/guar building principal.	
13. Giving a student a ride alone in a vehicle nonemergency situation without prior m approval from both the parent/guardian principal.	otification to and
14. Addressing students or permitting stude adults with personalized terms of endea or otherwise in an overly familiar mann	rment, pet names,
15. Telling a student personal secrets or sha secrets with a student.	aring personal
16. For adults who are not guidance/counse psychologists, social workers or other a designated responsibilities to counsel st encouraging students to confide their pe problems and/or relationships. If a stud- discussions, the student should be refer appropriate school resource. An adult c advocate for the student and assist the s referral to the appropriate counselor and provide support as needed and appropriate	dults with sudents, ersonal or family ent initiates such red to the an listen and/or tudent with a d continue to
17. Furnishing alcohol, drugs or tobacco to being present where any student is consubstances.	
18. Engaging in harassing or discriminatory prohibited by other district policies or b law and regulations.	

POLICY NO. 847 MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES	
Electronic Communications -	
As with other forms of communication, when communicating electronically, adults shall maintain professional boundaries with students.	
Electronic communication with students shall be for legitimate educational reasons only.	
When available, district-provided email or other district- provided communication devices or platforms shall be used when communicating electronically with students. The use of district-provided email or other district-provided communication devices or platforms shall be in accordance with district policies and procedures.	Pol. 815
All electronic communications from coaches and advisors to team or club members shall be sent in a single communication to all participating team or club members, except for communications concerning an individual student's medical or academic privacy matters, in which case the communications will be copied to the building principal. In the case of sports teams under the direction of the Athletic Director, such medical or academic communications shall also be copied to the Athletic Director.	
Adults shall not follow or accept requests from current students to be friends or connections on personal accounts on social networking sites and shall not create any networking site for communication with students other than those provided by the District for this purpose, without the prior written approval of the building principal.	
Exceptions	
An emergency situation or a legitimate educational reason may justify deviation from the rules regarding communication or methods for maintaining professional boundaries set out in this policy. The adult shall be prepared to articulate the reason for any deviation from the requirements of this policy and must demonstrate that s/he has maintained an appropriate relationship with the student.	

POLICY NO. 847 MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES	
Under no circumstance will an educational or other reason justify deviation from the "Romantic and Sexual Relationships" section of this policy. There will be circumstances where personal relationships develop between an adult and a student's family, e.g. when their children become friends. This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. Adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity.	
It is understood that many adults are involved in various other roles in the community through non-district-related civic, religious, athletic, scouting or other organizations and programs whose participants may include district students. Such community involvement is commendable, and this policy is not intended to interfere with or restrict an adult's ability to serve in those roles; however, adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.	
Reporting Inappropriate or Suspicious Conduct	
Any person, including a student, who has concerns about or is uncomfortable with a relationship or interaction between an adult and a student, shall immediately notify the Superintendent, principal, Title IX Coordinator or other administrator. Reports may be made using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) or by making a general report verbally or in writing. Upon receipt of a report, school staff shall promptly notify the building principal.	Pol. 103, 104 <mark>248</mark>
All district employees, independent contractors and volunteers who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy.	23 Pa. C.S.A. Sec. 6311 Pol. 806
Any certificated employee who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual	24 P.S. Sec. 2070.9a

POLICY NO. 847 MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES	
misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Superintendent, Title IX Coordinator and his/her immediate supervisor, promptly but not later than within-fifteen (15) days of-following discovery of such misconduct.	Pol. 103, 104, 817.1
If the Superintendent or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Child Protective Services Law, the Educator Discipline Act or the Safe Schools Act, the Superintendent or designee shall make a report, in accordance with applicable law, regulations and Board policy.	SC 1302.1-A, 1303-A 22 PA Code Sec. 10.2, 10.21, 10.22 23 Pa. C.S.A. Sec. 6311 24 P.S. Sec. 2070.9a Pol. 817.1, 805.125, 806
It is a violation of Boardthis policy to retaliate against any person for reporting any action pursuant to this policy or for participating as a witness in any related investigation or hearing.	Pol. 103, 104
Investigation	
The Title IX Coordinator shall promptly assess and address aAllegations of inappropriate conduct shall be promptly investigated in accordance with the procedures for reports of discrimination or Title IXutilized for complaints of sexual harassment.	Pol. 103, 104 248, 848
It is understood that some reports made pursuant to this policy will be based on rumors or misunderstandings; the mere fact that the reported adult is cleared of any wrongdoing shall not result in disciplinary action against the person making the reporter or any witnesses. If as the result of an investigation any individual, including the reported adult, the person making the reporter, or a witness is found to have knowinglyintentionally provided false information in making the report or during the investigation or hearings related to the report, or if any individual intentionally obstructs the investigation or hearings, this may be addressed as a violation of this policy and other applicable laws, regulations and Boarddistriet policies. Obstruction includes, but is not limited to, violation of "no contact" orders given to the reported	Pol. 103, 104, 113.2, 218, 233, 817, 817.1

POLICY NO. 847 MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES	
adult, attempting to alter or influence witness testimony, and destruction of or hiding evidence.	
Disciplinary Action	
A district employee who violates this policy may be subject to disciplinary action, up to and including termination, in accordance with all applicable district disciplinary policies and procedures.	Pol. 104, 817, 817.1
A volunteer, student teacher, or independent contractor or an employee of an independent contractor who violates this policy may be prohibited from working or serving in district schools for an appropriate period of time or permanently, as determined by the Superintendent or designee.	
Training	
The District shall provide training with respect to the provisions of this policy to current and new district employees, volunteers and student teachers subject to this policy.	
The District, at its sole discretion, may require independent contractors and their employees who interact with students or are present on school grounds to receive training on this policy and related procedures.	
References:	
School Code – 24 P.S. Sec. 510, 1302.1-A, 1303-A	
State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.22	
Educator Discipline Act – 24 P.S. Sec. 2070.1a et seq.	
Pennsylvania's Code of Professional Practice and Conduct for Educators – 22 PA Code Sec. 235.1 et seq.	

POLICY NO. 847 MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES
Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.
Title 18 Institutional Sexual Assault – 18 Pa. C.S.A. 3124.2
Board Policy – 103, 104, 103.1, 113.2, 248, 805.1, 806, 815, 817, 817.1 818, 825, 848

		Policy No.	865
KEYSTONE OAKS SCHOOL DISTRICT		Section	OPERATIONS
Policy		Title	USE OF LIVESTREAM VIDEO ON DISTRICT PROPERTY
Guide	SCHOOLS	Adopted	

Last Revised _____

	POLICY NO. 865 USE OF LIVESTREAM VIDEO ON DISTRICT PROPERTY	
Section 1	<u>Purpose</u>	
	The Board recognizes that livestream video may be helpful to the District and its employees in both fulfilling its educational mission and in expanding the reach of school district events and activities to those not able to attend in person. The Board further recognizes that without parameters, livestream video may pose legal risks to the District and its employees, and may otherwise disrupt the educational environment.	
Section 2	Definition	
	Livestream video , as used in this policy, shall mean utilizing any camera to broadcast live video content through the internet or other electronic means, including through a social media platform.	
Section 3	<u>Guidelines</u>	
	Student Initiated Use of Livestream Video	
	The Board prohibits student-initiated use of livestream video at any time during the school day or at any school sponsored event that is not open to the general public, unless the building administrator, in consultation with the Superintendent, has authorized the use of livestream video by giving written consent.	

POLICY NO. 865 USE OF LIVESTREAM VIDEO ON DISTRICT PROPERTY

Employee Initiated Use of Livestream Video

The Board authorizes the use of livestream video for instructional and other educational purposes at the discretion and direction of teachers, administrators, and other employees, if approved by the Superintendent.

Any in-school use of livestream video by students, as authorized in this section for educational purposes, shall be supervised by a professional employee or by an administrator.

Livestream Video of Classroom Instruction / Distance Learning

The Board authorizes the use of livestream video to deliver academic and special education instruction remotely when approved by the Superintendent.

Students shall be notified prior to the use of livestream video in their classroom or other areas of the school where they may be captured on the livestream.

Livestreams shall be set up to visually capture the instructor and their materials, but may unintentionally capture other students attending the same instruction in-person.

Prior to approving instruction via livestream, the building administrator shall determine if such instruction shall be recorded, and if so how long such recording shall be maintained to provide student access. Access shall be provided to students only through a secure password-protected classroom management system and no such recordings shall be posted publicly on the internet. Students shall be notified prior to a livestream being recorded. All recordings must have the approval of the Superintendent.

Recordings of livestream video distance-learning are the property of the District. Students are prohibited from reposting such videos on the internet, removing them from the classroom management system, and/or from sharing them with other individuals.

POLICY NO. 865 USE OF LIVESTREAM VIDEO ON DISTRICT PROPERTY	
Students who access academic instruction via livestreaming shall be considered present for attendance purposes during those hours in which they received instruction.	
Livestream of School District Events Open To The Public	
This policy does not prohibit employees, students, person(s) in parental relation, and/or members of the public from livestreaming district events which are otherwise open to the public. Students, person(s) in parental relation, employees, and members of the public shall have no expectation of privacy while attending public school events. By attending such events they recognize and accept they may be captured and broadcast on a livestream video to the same extent as they could at any other public or community event, or within any facility open to the public.	
However, district administrators may prohibit livestreaming at specific events hosted by the District on a case-by-case basis to comply with applicable law, to comply with contract terms, or to prevent a substantial disruption to the public event.	
The Board specifically prohibits livestreaming of copyrighted musical performances, theatrical performances, or any material or performance which may be in violation of copyright law.	17 U.S.C. 101 et seq
Livestream Video In Lieu of Homebound Instruction	
Upon acceptance of a physician or healing arts practitioner's recommendation that homebound instruction is medically necessary, the Board directs that consideration be given to whether or not the student should receive livestream access to their essential academic classes in lieu of homebound instruction. Consideration must be given to:	SC 1327, 1329
1. The severity of the student's medical condition, and whether or not the student can benefit from livestream academic instruction.	
2. The recommendation of the student's physician.	

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- 3. Input from the student's person(s) in parental relation.
- 4. The age and specific needs of the student, including whether the student has the technical proficiency to access the livestream at home.
- 5. Whether providing livestream instruction may be counter-productive, in that it may prolong the student's absence from school.

Students who access their essential academic instruction via livestreaming shall be considered present for attendance purposes during those hours in which they received instruction. Livestream access to academic instruction is in lieu of and not in addition to homebound instruction.

The decision whether or not to provide livestream access to academic instruction in lieu of homebound instruction rests in the sole discretion of the District. Nothing in this policy shall be construed to require the District to provide livestream access to any particular student.

Telepresence Robots

The Board authorizes the use of telepresence robots in the District's buildings when approved by a Student's IEP or Section 504 team due to a long term illness or disability preventing regular school attendance. The use of telepresence robots shall be considered an employee-initiated livestream, subject to the conditions outlined above. The Superintendent or their designee shall develop procedures outlining employee responsibilities regarding the use of such robots in the District.

Livestream Video For Routine Illnesses & Absences

No teacher or administrator shall be required to provide a livestream of academic instruction for a student's routine illness or absence. If a student or person in parental relation requests access to such a livestream due to extenuating circumstances, the decision whether or not to provide such a livestream shall be in the sole discretion of the teacher and building administrator, with approval by the Superintendent.

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Proper Attire / Code of Conduct	
Any student participating in a livestream for academic instruction must abide by the District's Code of Conduct and may be held accountable for violations of the code of conduct while participating in the livestream. Students participating in a livestream of academic instruction must also be dressed in proper attire consistent with the District's dress code.	
Acceptable Use of District's Network	
If a livestream utilizes the District's internet connection, the School District's Acceptable Use Policy applies and is incorporated herein by reference. District livestream videos are property of the District. Any reposting or reproduction of such videos, or screenshots from such a video, is prohibited.	Pol. 262, 862
Use of Personal Devices	
If any livestream authorized pursuant to this policy utilizes a personal mobile device, the District's mobile device policies apply and are incorporated herein by reference.	Pol. 237, 815
Accommodations For Disabilities	
The Board directs that public livestreams of district events be as accessible as reasonably feasible for individuals with disabilities as for non-disabled members of the public.	29 U.S.C. 794 42 U.S.C. 12182 28 C.F.R. 35.160
Nothing in this policy shall affect the provision or use of livestreaming as stated in an Individualized Education Program or Section 504 Service Agreement.	
Penalties for Violations	
Violation of this policy, administrative procedures, and/or state or federal laws will result in discipline. Employees may be subject to discipline up to and including dismissal. Students may be subject to discipline up to and including expulsion.	Pol. 218, 233, 817

	POLICY NO. 865 USE OF LIVESTREAM VIDEO ON DISTRICT PROPERTY	
Section 4	Delegation of Responsibility	
	The Superintendent shall develop procedures to implement this policy, and may delegate to their designee(s) the right to enforce this policy.	
	The Superintendent shall ensure that all students and employees are made aware of this policy and any administrative guidelines by means of the employee and student handbooks, the school district website, or other reasonable means.	

		Policy No.	<u>111</u>
KEYSTONE OAKS S	SCHOOL DISTRICT	Section	PROGRAMS
Policy		Title	LESSON PLANS
Guide	SCHOOLS	Adopted	<u>AUGUST 21, 1989</u>
		Last Revise	1 MARCH 21, 2017;

FEBRUARY 16, 1998

	POLICY NO. 111 LESSON PLANS	
Section 1	<u>Authority</u> Purpose	
	To ensure consistency and continuity of instruction, the Board requires professional staff members to develop and maintain daily lesson plans.	SC 510
Section 2	Delegation of Responsibility	
	To facilitate more effective instruction, lesson plans must be prepared at least one (1) week in advance. Lesson plans shall be inspected and must conform to the guidelines established by the District's Administrative Team.	
	Teachers shall make thorough preparation for all daily lessons and shall prepare plans reflecting such preparation.	
	Lesson plans shall be completed and submitted in the designated online platform(s) for review.	
	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.	
	Lesson plans must be available for immediate access by assigned substitute teachers.	
	The Board requires that lessons will be well planned with deliberate attention to both unit and daily goals; that varied	

POLICY NO. 111 LESSON PLANS

strategies will be employed to address learning styles and individual needs; that there will be well defined student expectations and means of assessment; that plans will be developed a minimum of one week in advance and will be submitted for administrative review before implementation. Plans will be in accordance with Guides for Planned Instruction. However they may be modified due to timeline and students needs and reactions.

Section 2 <u>Guidelines</u>

Lesson design will emphasize the development of critical skills and essential knowledge as defined in the planned course guide. There will also be specific reference to the use of technology and writing activities.

Guidelines for implementation of this policy shall include:

- 1. Lesson plans be prepared using the District's online platform.
- 2. The format for lesson plans shall be decided by the Administrative Team.
- 3. Lesson plans for individualized programs shall reflect a general overview and purpose of the instructional program; individual student plans or records may serve as an integral part of the lesson plan.

Teachers will maintain professional files containing lesson preparation. Copies of lessons will be made available electronically to administrators on a weekly basis. Teachers will make such plans available to substitute teachers.

Previously Revised: March 21, 2017; February 16, 1998

References:

School Code – 24 P.S. Sec. 510

		Policy No.	203
KEYSTONE OAKS S	CHOOL DISTRICT	Section	PUPILS
Policy		Title	COMMUNICABLE DISEASES AND IMMUNIZATION
Guide	SCHOOLS	Adopted	JUNE 27, 1998

Last Revised JUNE 27, 2017; MARCH 26, 2015; OCTOBER 19, 1998

	POLICY NO. 203 COMMUNICABLE DISEASES AND IMMUNIZATION	
Section 1	<u>Purpose</u>	
	In order to safeguard the school community from the spread of certain communicable diseases, the Board requires that guidance and orders from state and local officials, established Board policy, administrative regulations, and guidelines Board- approved health and safety plans be followed by students, person(s) in parental relation arents/guardians and district staff.	SC 1303a Title-28 PA Code Sec. 23.81 et seq.
Section 2	Definitions	
	Certificate of Immunization – The official form furnished by the Pennsylvania Department of Health. The certificate is filled out by the person in parental relationarent/guardian or health care provider and signed by the health care provider, public health official or school nurse or a designee. The certificate is given to the school as proof of full immunization. The school maintains the certificate as the official school immunization record or stores the details of the record in a computer database.	Title 28 PA Code Sec. 23.82
	Medical Certificate – The official form furnished by the Pennsylvania Department of Health setting out the immunization plan for a student who is not fully immunized, filled out and signed by a physician, certified registered nurse practitioner or physician assistant, or by a public health official when the immunization is provided by the Department of Health or a local health department, and given to a school as proof that the student is scheduled to complete the required immunizations.	Title-28 PA Code Sec. 23.82

	POLICY NO. 203 COMMUNICABLE DISEASES AND IMMUNIZATION	
Section 32	<u>Guidelines</u>	
	Immunization	
	All students shall be immunized against specific diseases in accordance with Pennsylvania law and regulations, unless specifically exempt for religious or medical reasons.	SC 1303a Title-28 PA CodeSec. 23.81 et seq. Title-22 PA CodeSec. 11.12
	A certificate of immunization shall be maintained as part of the health record for each student, as required by the Pennsylvania Department of Health.	Title 28 PA Code Sec. 23.85
	A student shall be exempt from immunization requirements whose person in parental relationarent/guardian objects in writing to such immunization on religious grounds or whose physician certifies that the student's physical condition contra- indicates immunization.	SC 1303a <u>Title</u> 22 PA Code <u>Sec.</u> 11.20 <u>Title</u> 28 PA Code <u>Sec.</u> 23.83, 23.84
	A student who has not been immunized in accordance with state and/or county regulations shall not be admitted to or permitted to attend district schools, unless exempted for medical or religious reasons, or provisionally admitted by the Superintendent or designee after beginning a multiple dose vaccine series and submitting proof of immunization or a medical certificate on or before the fifth school day of attendance, or in accordance with programs or guidance established by the PA Department of Health or a local health department.	SC 1303a Title-22 PA Code Sec. 11.20 Title-28 PA Code Sec. 23.83, 23.84, 23.85
	Homeless students who have not been immunized or are unable to provide immunization records due to being homeless shall be admitted in accordance with the provisions of applicable law and regulations.	Title 28 PA CodeSec. 23.85, Pol. 200, 240
	Foster care students and students transferring into a school within the Commonwealth shall be admitted in accordance with law and regulations, and shall have thirty (30) days to provide proof of immunization, a medical certificate detailing the plan to complete a multiple dose vaccine series or to satisfy the	Title 28 PA Code Sec. 23.85

POLICY NO. 203	
COMMUNICABLE DISEASES AND IMMUNIZATION	
requirements for an exemption.	
Monitoring of immunization requirements shall be the responsibility of the Superintendent or designee and the building principal.	SC 1303a
Students attending child care group settings located in a school, a pre-kindergarten program or an early intervention program operated by the district shall be immunized in accordance with the Advisory Committee on Immunization Practices (ACIP) standards.	Title 28 PA Code Sec. 23.83, 27.77
Health Records	
A comprehensive health record shall be maintained for each student enrolled in the District. The record shall include the results of required tests, measurement, screenings, regular and special examinations, and medical questionnaires.	SC 1402 Pol. 209
All health records shall be confidential, and their contents shall be divulged only when necessary for the health of the student or, at the request of the parent/guardian, to a physician at the written request of the person in parental relation-or otherwise authorized or required under applicable law. The District may disclose information from health records to appropriate parties in connection with an emergency when necessary to protect the health or safety of the student or other individuals, in accordance with applicable law and Board policy.	34 CFR Part 99 Pol. 113.4, 216, 805
Communicable Diseases	
The Board directsauthorizes that students who have been diagnosed by a physician or are suspected of having a disease by the school nurse-of having a disease or infectious condition, as described in and defined by regulations issued by the Department of Health, shall be excluded from school for the period indicated by regulations of the PA Department of Health or guidance from state or local health officials for specified such diseases or infectious conditions.	Title-28 PA Code <mark>Sec.</mark> 27.71, 27.72 Pol. 204, 209
Person(s) in parental relation shall be notified of this policy at the beginning of the school year, and that during the school year it may be necessary for a student to be excluded from school due	28 PA Code 27.71, 27.72 Pol. 204

	POLICY NO. 203 COMMUNICABLE DISEASES AND IMMUNIZATION	
	to communicable disease. Person(s) in parental relation of a student needing to be excluded shall be notified and required to come to school or have a designated emergency contact come to school to transport the student home or to an appropriate place of care. Students may return to school when the criteria for readmission following a communicable disease, as set forth in law, regulations or guidance from state or local health officials, have been met.	
	The Board directs school staff to request emergency contact information from person(s) in parental relation of students at the beginning of each school year and request that it be updated as necessary during the school year.	
	The school nurse shall report the presence of suspected communicable diseases to the appropriate local health authority, as required by the PA Department of Health.	Title-28 PA Code <mark>Sec.</mark> 27.1, 27.2, 27.23
	Education	
	Instruction regarding prevention of communicable and life threatening diseases shall be provided by the schools in the educational program for all levels, in accordance with state regulations and Board approved curriculum.	Title-22 PA Code Sec. 4.29
	Person(s) in parental relationarents/guardians shall be informed of and be provided opportunities during school hours to review all curriculum materials used in-such instruction relative to communicable and life-threatening diseases, in accordance with Board policy.	Title-22 PA CodeSec. 4.4, 4.29 Pol. 105.1
Section 43	Delegation of Responsibility	
	The Superintendent or designee shall:	
	1. Ensure that person(s) in parental relationarents/guardians are informed prior to a student's admission to school, or a grade requiring additional immunizations, of the requirements for immunization, the requisite proof of immunization, exemption available for religious or medical reasons, and means by which such exemptions may be claimed	SC 1303a Title-28 PA CodeSec. 23.83, 23.84, 23.85 Pol. 200, 201

POLICY NO. 203 COMMUNICABLE DISEASES AND IMMUNIZATION	
 Designate school personnel to review student medical certificates in accordance with law and regulations to ensure compliance with full immunization requirements. 	Title-28 PA Code <mark>Sec.</mark> 23.82, 23.85
 Annually review the State and/or county standards for immunization of students and direct the responsible district personnel accordingly. 	
 Investigate and recommend to the Board such district- sponsored programs of immunization as may be warranted to safeguard the health of the school community. Any-Ssuch program shall beis subject to Board approval and mayshould be conducted in cooperation with local health agencies. 	
5. 5. Communicate Promulgate health guidelines and universal precautions designed to minimize transmission of communicable disease be implemented in all district schools.	
The Superintendent or designee shall report immunization data electronically to the PA Department of Health by December 31 of each year as required by law . If the District is unable to complete the report electronically, the Superintendent or designee shall report the immunization data on the required form to the PA Department of Health by December 15.	Title-28 PA Code Sec. 23.86
Previously Revised: June 27, 2017; March 26, 2015; October 19, 1998	
References:	
School Code – 24 P.S. Sec. 1303a, 1402, 1409	
State Board of Education Regulations – 22 PA Code Sec. 4.4, 4.29, 4.4, 11.20	
State Department of Health Regulations – 28 PA Code Sec. 23.81 et seq., 23.82, 23.83, 23.84, 23.85, 27.1, 27.2, 27.23, 27.71, 27.72. 27.77	
Board Policy – 105.1, 200, 201, 204, 209, 240	

POLICY NO. 203 COMMUNICABLE DISEASES AND IMMUNIZATION	

		Policy No.	209
KEYSTONE OAKS S	SCHOOL DISTRICT	Section	PUPILS
Policy		Title	HEALTH EXAMINATIONS/ SCREENINGS
Guide		Adopted	AUGUST 21, 1989
		Last Revised	MAY 19, 2020

	POLICY NO. 209 HEALTH EXAMINATIONS/SCREENINGS	
Section 1	<u>Purpose</u>	
	In compliance with applicable law and regulations, and Board- approved health and safety plansthe School Code, the Board shall require that district students of this District submit to health and dental examinations, screenings and health monitoring in order to protect the school community from the spread of communicable disease; and to ensure that the student's participation in health, safety and physical education courses meets the student's individual needs, and to ensure that the learning potential of each student is not lessened by a remediable physical disability.	SC 1401, 1402, 1403 22 PA Code 12.41
Section 2	Guidelines	
	Each student shall receive a comprehensive health examination upon original entry, while in sixth grade and in eleventh grade.	SC 1402, 1407 22 PA Code 12.41
	Each student shall receive a dental examination upon original entry, while in third grade and in seventh grade.	SC 1403,1407 22 PA Code 12.41
	A private health and/or dental examination conducted at the person in parental relation's request and expense shall be accepted in lieu of the school examination. The District shall accept reports of privately conducted physical and dental examinations completed within one (1) year prior to a student's entry into the grade where an exam is required.	SC 1407
	The school nurse or medical technician shall administer to each student vision tests, hearing tests, tuberculosis tests, other tests	SC 1402 22 PA Code 12.41

POLICY NO. 209 HEALTH EXAMINATIONS/SCREENINGS	
deemed advisable, height and weight measurements, at intervals established by the District. Height and weight measurements shall be used to calculate the student's weight-for-height ratio.	28 PA Code 23.1 et seq.
Persons in parental relation of students who are to receive physical and dental examinations or screenings shall be notified. The notice shall include the date and location of the examination or screening and notice that the person in parental relation may attend. The notice shall encourage the person in parental relationarent/guardian to have the examination or screening conducted by the student's private physician or dentist at the person in parental relation's expense to promote continuity of care. Such statement may also include notification that the student may be exempted from such examination or screening if it is contrary to the person in parental relation's religious beliefs.	SC 1405 28 PA Code 23.2 20 U.S.C. 1232h
A student who presents a statement signed by the person in parental relation that a healthmedical examination is contrary to the student's or person in parental relation's religious beliefs shall be examined only when the Secretary of Health determines that facts exist indicating that certain conditions the student would present a substantial health menace to the health of others in contact with the student if the student is not examined for those conditions.	SC 1419 28 PA Code 23.45
Where it appears to school health officials or teachers that a child deviates from normal growth and development or where school examinations reveal conditions requiring health or dental care, the person in parental relation shall be notified of the apparent need for special examination by the student's private physician or dentist. The person in parental relation shall report to the school whether a special examination occurred within a reasonable time after being notified of the apparent need and the abnormal condition persists, appropriate school health personnel shall arrange a special health medical examination for the student.	SC 1402, 1406 22 PA Code 12.41
In the event that the person in parental relation objects to or refuses to obtain a regular or special healthmedical or dental examination or refuses to permit the child to be examined as arranged by the school nurse or school physician, the school nurse, in consultation with the school physician, shall determine whether the student appears to have unaddressed health	

POLICY NO. 209 HEALTH EXAMINATIONS/SCREENINGS	
conditions such that under the circumstances the refusal should be reported to the PA ennsylvania Department of Health or other appropriate authorities.	
Where school health officials or staff have reasonable cause to suspect that a student may be the victim of child abuse, the school employee shall make a report of suspected child abuse in accordance with law and Board policy.	23 PA Code 6311 Pol. 806
Health Monitoring	
The Board directs district staff to monitor student health in accordance with applicable Board policy and the Board- approved health and safety plan.	Pol. 203
A student may request an alternative method of monitoring as a religious accommodation, and designated district staff shall assess and respond to such request in accordance with applicable law, regulations and Board policy. A request for an accommodation that would unreasonably impair safety or cause undue hardship will not be granted.	Pol. 103
A student with a health condition that may render a monitoring method ineffective should notify designated staff so that alternative or supplemental methods may be considered.	Pol. 103, 103.1
Students who may be exhibiting symptoms that indicate health concerns shall be referred to the school nurse or designated staff for further assessment and response, in accordance with Board policy.	Pol. 203
Health Records	
The District shall maintain for each student a comprehensive health record which includes a record of immunizations and the results of tests, measurements, regularly scheduled examinations and special examinations.	SC 1402
All health records shall be confidential and shall be disclosed only when necessary for the health of the student or when requested by the person in parental relation, in accordance with law and Board policy.	SC 1409 Pol. 113.4, 216

	POLICY NO. 209	
	HEALTH EXAMINATIONS/SCREENINGS	
	The District may disclose information from health records to appropriate parties in connection with an emergency when necessary to protect the health or safety of the student or other individuals, in accordance with applicable law and Board policy.	SC 1409 20 U.S.C. 1232g 34 CFR Part 99 Pol. 113.4, 203, 216, 805
	Designated district staff shall request from the transferring school the health records of students transferring into district schools. Staff shall respond to such requests for the health records of students transferring from district schools to other schools.	SC 1409
	The District shall destroy student health records only after the student has not been enrolled in district schools for at least two (2) years.	SC 1409
Section 3	Delegation of Responsibility	
	The Superintendent or designee shall instruct all staff members to continually observe students for conditions that indicate health concernsproblems or disability and to promptly report such conditions to the school nurse or designated staff.	SC 1402
	The Superintendent or designee shall request an adequate health record from the transferring school for each student transferring into the District.	SC 1409
	The Superintendent or designee shall ensure that notice is provided to all person(s) in parental relation arents/guardians regarding the existence of and eligibility for the Children's Health Insurance Program (CHIP).	SC 1406
	Previously Revised: May 19, 2020; April 30, 2015; October 19, 1998	
	References:	
	School Code – 24. P.S. Sec. 1401, 1402, 1403, 1405, 1406, 1407, 1409, 1419	

POLICY NO. 209 HEALTH EXAMINATIONS/SCREENINGS	
State Board of Education Regulations – 22 PA Code Sec. 12.41	
State Department of Health Regulations – 28 PA Code Sec. 23.1 et seq., 23.2, 23.45	
No Child Left Behind Act – 20 U.S.C. Sec. 1232h, 1232g	
Family Education Rights and Privacy – 34 CFR Part 99	
PA Child Abuse Reporting – 23 PA Code Sec. 6311	
Board Policy – 113.4, 216, 805, 806	

		Policy No.	256
KEYSTONE OAKS S	CHOOL DISTRICT	Section	PUPILS
Policy		Title	ANTI-BULLYING/CYBERBULLYING
Guide	SCHOOLS	Adopted	<u>NOVEMBER 15, 2007</u>
		Revised	NOVEMBER 20, 2018;
			DECEMBER 15, 2015; <u>DECEMBER 6, 2012</u>
	POLICY N	IO. 256	

	POLICY NO. 256 ANTI-BULLYING/CYBERBULLYING	
Section 1	<u>Purpose</u>	
Section 2	The Board is committed to providing a safe, positive learning environment for district students. The Board recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying by district students. The Keystone Oaks School District recognizes that a student's ability to learn, and the District's ability to safely educate its students, is adversely affected by bullying. The School District seeks to avoid these adverse effects, maintain the safety of the school environment and provide opportunities to rehabilitate a student who has engaged in bullying.	
	Bullying meansshall be defined as an intentional and unwelcome electronic (cyber), written, verbal, or physical act, or series of acts directed at another student or students, which occurs in a school setting that is severe, persistent, or pervasive and has the effect of doing any of the following: that has these characteristics:	SC 1303.1-A
	1. It is directed at another student or group of students.	
	2. It is severe, persistent or pervasive.	

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3. It has the effect of:	
1. Substantially interfering with a student's education.	
2. Substantially disrupting the orderly operation of the school.	
3. Creating a threatening environment.	
 Bullying, as defined in this policy, includes cyberbullying. 3. 4. Occurs in a "school setting:" "School setting " shall means in the school, on school grounds, in school vehicles, on contracted school vehicles, at a designated bus stop, or atduring 	SC 1303.1
any activity sponsored, supervised, or sanctioned by the school and/or District. This shall also include hours in which a student would be considered "present" during synchronous virtual instruction, anytime a student is using a district owned device, is on the district network and/or using a district provided learning management platform. 5.	
The District reserves the right to investigate acts of bullying that occur outside the school setting if those acts meet the definition of bullyingrequirements of number 3-(above).	
Examples of bullying include, but are not limited to physically, emotionally or mentally harming a student; damaging, extorting or taking a student's property; placing a student in reasonable fear of physical, emotional or mental harm; placing a student in reasonable fear of damage to or loss of personal property; creating an intimidating or hostile environment that substantially interferes with a student's education opportunities; or perpetuation of conduct by an individual or group, with the intent to demean, and/or dehumanize a student.	Title 18 Sec. 2709
Cyber harassment of a child is a form of bullying. A person commits the crime of cyber harassment of a child if, with intent to harass, annoy or alarm, the person engages in a continuing course of conduct of making any of the following by electronic means directly to a child or by publication through an electronic social media service:	Title 18 Sec. 2709

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	 Seriously disparaging statement or opinion about the child's physical characteristics, sexuality, sexual activity or mental or physical health or condition. 	
	2. Threat to inflict harm.	
	The law makes cyber harassment of a child a third-degree misdemeanor, punishable by a maximum of \$2,500 fine and/or one year in prison. For a juvenile charged with the crime, a diversionary program, which might include an educational program on cyber harassment, would be considered first. Successful completion could lead to the juvenile's record being expunged.	Title 18 Sec. 2709
		Title 18 Sec. 2709
	Course of Conduct A pattern of action composed of more than one act over a period of time, however short evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawing, caricatures or actions, either in person or anonymously.	Title 18 Sec. 2709
	Emotional distress A temporary or permanent state of mental anguish.	
	Seriously disparaging statement or opinion A statement or opinion which is intended to and under the circumstances is reasonably likely to cause substantial emotional distress to a child of the victim's age and which produces some physical manifestation of the distress.	
Section 4	Authority	
	The Board prohibits all forms of bullying by district students.	SC 1303.1-A
	No student, person in parental relation, coach, sponsor, volunteer or district employee shall engage in, condone or ignore any form of hazing.	
	The Board encourages students who believe they or others have been bullied to promptly report such incidents to any staff	

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Students are encouraged to use the District's report form (103-
AR-1), available from the building principal, or to put the
complaint in writing; however, oral complaints shall be accepted
and documented. The person accepting the complaint shall
handle the report objectively, neutrally and professionally,
setting aside personal biases that might favor or disfavor the
student filing the complaint or those accused of a violation of
this policy.

The Board directs that verbal and written complaints of bullying shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. The Board directs that any complaint of bullying brought pursuant to this policy shall also be reviewed for conduct which may not be proven to be bullying under this policy but merits review and possible action under other Board policies.

Title IX Sexual Harassment and Other Discrimination

Every report of alleged bullying that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of a bullying investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged bullying.

Pol. 103, 103.1

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with applicable law, regulations, this policy and the District's legal and investigative obligations.

Retaliation

Reprisal or retaliation relating to reports of bullying or participation in an investigation of allegations of bullying is prohibited and shall be subject to disciplinary action.

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Section 3	Delegation of Responsibility	
	Every student and employee shall betake the responsible ility of to respecting the rights of others and to ensure an atmosphere free of bullyingcreating a safe, caring, positive climate throughout the District.	
	The Superintendent or designee shall develop administrative regulations to implement this policy. In addition, the Administration will develop procedures for training all employees, including chaperones and sponsors on the Policy.	
	The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed annually with students.	SC 1303.1-A
	The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years at a minimum and recommend necessary revisions to the Board.	SC 1303.1-A
	District administration shall annually provide the following information with the Safe School Report:	SC 1303.1-A
	1. Board's Bullying Policy	
	2. Report of bullying incidents	
	3. Information on the development and implementation of any bullying prevention, intervention or education programs.	
	The Administration is directed to evaluate the need, if any, for District-wide or building-level evidence-based bullying prevention programs, and to report its findings to the Board-of School Directors with appropriate recommendations.	
	The Administration is directed to continue to assess, and to make recommendations to the Board-of School Directors, for any appropriate changes to existing intervention programs and practices in place to address the needs of students who are bullied, and the issues relating to students who engage in bullying.	

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Section 3	Guidelines	
	The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.	SC 1303.1-A 22 PA Code 12.3 Pol. 218
	This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district website.	SC 1303.1-A
	Education	
	The District shall develop, implement and evaluate bullying prevention and intervention programs and activities. Programs and activities shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.	SC 1302-A, 1303.1-A 20 U.S.C. 7118
	Consequences for Violations	
	A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:	
	1. Counseling within the school.	
	2. Parental/person in parental relation conference.	
	3. Loss of school privileges.	
	4. Transfer to another school building, classroom or school bus.	
	5. Exclusion from school-sponsored activities.	
	6. Detention.	
	7. Suspension.	
	8. Expulsion.	
	9. Counseling/Therapy outside of school.	

POLICY NO. 256 **ANTI-BULLYING/CYBERBULLYING** 10. Referral to law enforcement officials. It shall be a violation of District Policy for any student or adult Pol. 103, 104 to engage in, encourage and/or condone, or communicate, any form of bullying. It shall also be a violation of Policy for any employee, approved volunteer or chaperone of the School District to encourage and/or condone, through action or lack of action, any form of bullying. This prohibition shall apply to all acts of bullying that occur on school district property, at school district functions (whether on school property or not), and/or on school district provided transportation. In addition, cyber harassment is a criminal offense under PA Act 26 of 2015 and may be deemed to have been committed at the place where the child who is the subject of the communication resides. School District employees are required to report alleged violations of this Policy to the Building Principal or the Superintendent in accordance with the procedures set forth herein. **Dissemination of Policy** This Anti-bullying Policy will be disseminated annually to all school staff, students, and parents. It will be distributed each year to all students with a copy of the Code of Student Conduct or will be incorporated into the Handbook. Building administrators will develop a procedure for discussing the Policy with students in individual buildings. The Policy will also be posted on the District web page and published at a minimum of once each year in a District publication and be made available in every classroom. Information on the Anti-bullying Policy will also be incorporated in training programs for all new school employees, as well as being referenced in the staff handbooks. General Procedures Relating to Complaint Each student shall be advised that the fact that he/she alleges bullying by another student or who reports an incident of bullying will not reflect upon the student's status. Any retaliation

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based upon a student's good faith initiation of a complaint, participation in the investigation of a complaint, or provision of information relating to a bullying complaint is prohibited and will result in disciplinary action. If any student believes he or she is being retaliated against for filing a complaint under this policy, or the student's parent believes that his/her child is being retaliated against for filing a complaint under this policy, he or she shall report the retaliations in the same manner as indicated below.

The Principal of the building to which the alleged victim is assigned will investigate all complaints, PROVIDED HOWEVER, that if the complaint alleges that the perpetrator of the bullying is an Administrator or Supervisor employed by the School District and it is alleged that the Administrator or Supervisor encouraged, condoned, or turned a blind eye to the bullying of the alleged student-victim, the Superintendent or his designee shall investigate the complaint.

Investigation Procedure

- 1. Separate interviews of the Complainant and the alleged perpetrator will be conducted and all information will be documented in written form on Form A. Each of the involved individuals will be asked to sign an Acknowledgment of the statements provided during the interview. At the time of the interview, a copy of this Policy will be provided to the individuals involved and the Policy and complaint procedure will be reviewed with each individual.
- 2. During the interviews each individual will be given the opportunity to state his/her side of the incident, to identify any witnesses to corroborate his/her statements, and to provide input as to the possible resolution of the situation. Each student may have his or her parent or guardian present during the interview and parental involvement in this process will be encouraged.

If the Building Principal/Superintendent determines that measures are required during the period of investigation to alleviate the potential bullying, such a separation of

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	he alleged victim and the alleged perpetrator or close	
	nonitoring of the alleged perpetrator, such measures hall be taken until the investigation is completed.	
3. A	A fact-finding investigation will be conducted and a	
	written record of the fact-finding investigation including	
	vitness interviews, findings of the investigation and ecommended action shall be set forth on Form B.	
	The results of the fact finding investigation, including	
	ny recommended action will be shared with the	
e	Complainant and with the Accused.	
	f the Building Principal has conducted the investigation,	
	e/she shall report his/her findings to the Superintendent.	
	The Superintendent may consult with the Solicitor or pecial counsel as appropriate, in instances where	
đ	lisciplinary action is contemplated.	
	f the investigation results in a finding that a student has	
	ngaged in bullying in violation of this Policy, the	Pol. 218
	Building Principal shall determine the appropriate	
e 1	liscipline to be imposed, which may include, but not be imited to, suspension from school, or a recommendation	
	the Superintendent that the student be expelled from	
	chool following a hearing before the Board. In	
	letermining the level of discipline to be imposed, the	
Ŧ	Building Principal shall consider:	
	a. The prior disciplinary record of	
	the student-perpetrator.	
	b. The relative ages and maturity	
	levels of the students.	
	c. The nature and frequency of the	
	inappropriate conduct by the	
	student-perpetrator toward the student victim.	
	d. The degree of harm experienced	
	by the student-victim.	
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