



**KEYSTONE OAKS SCHOOL DISTRICT  
1000 KELTON AVENUE  
PITTSBURGH, PA 15216**

**BOARD OF SCHOOL DIRECTORS**

**WORK SESSION  
TUESDAY, SEPTEMBER 8, 2020  
7:00 PM**

**BUSINESS/LEGISLATIVE SESSION  
TUESDAY, SEPTEMBER 15, 2020  
7:00 PM**

**KEYSTONE OAKS SCHOOL DISTRICT  
SCHOOL DIRECTORS' CALENDAR OF COMING EVENTS**

**September 15, 2020 – Business/Legislative**

**7:00 PM Meeting**

- Call to Order – President
- Pledge of Allegiance
- Public Comment
- Approval of Reports
- Public Comment
- Adjournment

**October 13, 2020 –Work Session**

**7:00 PM Meeting**

- Call to Order – President
- Pledge of Allegiance
- Public Comment
- Review of Reports
- Public Comment
- Adjournment

# **BOARD PRESIDENT'S REPORT**

**September 15, 2020**

**Ms. Patricia A. Shaw**

## **BOARD ACTION REQUESTED**

### **I. BOARD MINUTES**

It is recommended that the Board approve the Special Voting Meeting/Work Session Minutes of August 11, 2020 and the Business/Legislative Minutes of August 18, 2020.

### **II. SUPERINTENDENT GOALS**

It is recommended that the Board approve the following goals for William P. Stropkaj, Ed.D., Superintendent as per the Superintendent's Contract 2017/2022:

1. Development of a Personalized Learning Tool that will be used to track students' education as they progress through the system, K-12.
2. Evaluation of all current employee evaluation tools so as to create a system that allows each employee to grow as an employee and as an individual.
3. Evaluation of current hiring practices so as to establish best practices in recruiting, interviewing, selecting, and onboarding.
4. Development of an Educational Equity Action Plan with accountability goals and metrics to address inequities in funding, programs, policies, initiatives, and supports that target each student's academic, social, and emotional needs so as to assure that each student has access to a high-quality education.
5. Development of a Ninth Grade Academy that will be implemented during the 2021/2022 school year.

### **III. AGREEMENT 01-2020 BETWEEN KEYSTONE OAKS SCHOOL DISTRICT, EMPLOYEE 3345, AND THE KEYSTONE OAKS EDUCATION ASSOCIATION**

The Administration recommends that the Board approve the Agreement 01-2020 between the Keystone Oaks School District, Employee 3345, and the Keystone Oaks Education Association PSEA/NEA.

**III. AGREEMENT 02-2020 BETWEEN KEYSTONE OAKS SCHOOL DISTRICT, EMPLOYEE 1905, AND THE SERVICE EMPLOYEES' INTERNATIONAL UNION, LOCAL 32 BJ**

The Administration recommends that the Board approve the Agreement 02-2020 between the Keystone Oaks School District, Employee 1905, and the Service Employees' International Union, Local 32 BJ.

**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                        | <i>Mrs. Theresa Lydon</i> |
| IV. News from the Boroughs                          |                           |
| V. EXECUTIVE SESSION                                |                           |

# SUPERINTENDENT'S REPORT

September 15, 2020

Dr. William P. Stropkaj

## **BOARD ACTION REQUESTED**

### **I. SCHOOL SAFETY AND SECURITY COORDINATOR**

In compliance with Act 44 of 2018 signed by Governor Wolf in June 2018, and at the recommendation of Dr. Stropkaj, it is recommended that the Board appoint Mr. Joseph Kubiak as the Keystone Oaks School District School Safety & Security Coordinator effective immediately.

### **II. FIRST READING POLICY 103: DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS**

It is recommended that the Board approve the FIRST READING of Policy 103: *Discrimination/Title IX Sexual Harassment Affecting Students*.

### **III. FIRST READING POLICY 104: DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STAFF**

It is recommended that the Board approve the FIRST READING of Policy 103: *Discrimination/Title IX Sexual Harassment Affecting Staff*.

### **IV. FIRST READING POLICY 247: HAZING**

It is recommended that the Board approve the FIRST READING of Policy 247: *Hazing*.

### **V. FIRST READING POLICY 252: DATING VIOLENCE**

It is recommended that the Board approve the FIRST READING of Policy 252: *Dating Violence*.

### **VI. FIRST READING POLICY 817.1: EDUCATOR MISCONDUCT**

It is recommended that the Board approve the FIRST READING of Policy 817.1: *Educator Misconduct*.

### **VII. FIRST READING POLICY 847: MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES**

It is recommended that the Board approve the FIRST READING of Policy 847: *Maintaining Professional Adult/Student Boundaries*.

**VIII. FIRST READING POLICY 865: USE OF LIVESTREAM VIDEO ON DISTRICT PROPERTY**

It is recommended that the Board approve the FIRST READING of Policy 865: *Use of Livestream Video on District Property*.

**IX. ATTACHMENT NO. 103-AR-1: REPORT FORM (STUDENTS)**

It is recommended that the Board approve the FIRST READING of Attachment No. 103-AR-1: *Report Form (Students)*.

**X. ATTACHMENT NO. 103-AR-2: DISCRIMINATION COMPLAINT PROCEDURES (STUDENTS)**

It is recommended that the Board approve the FIRST READING of Attachment No. 103-AR-2: *Discrimination Complaint Procedures (Students)*.

**XI. 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 FIRST READING of Attachment No. 103-AR-3: *Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints (Students)*.

**XII. ATTACHMENT NO. 104-AR-1: REPORT FORM (STAFF)**

It is recommended that the Board approve the FIRST READING of Attachment No. 104-AR-1: *Report Form (Staff)*.

**XIII. ATTACHMENT NO. 104-AR-2: DISCRIMINATION COMPLAINT PROCEDURES (STAFF)**

It is recommended that the Board approve the FIRST READING of Attachment No. 104-AR-2: *Discrimination Complaint Procedures (Staff)*.

**XIV. 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 FIRST READING of Attachment No. 819-AR-3: *Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints (Staff)*.

**XV. SECOND READING POLICY 255: EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE**

It is recommended that the Board approve the SECOND READING of Policy 255: *Educational Stability for Children in Foster Care*.

**XVI. SECOND READING POLICY 627: FEDERAL FISCAL COMPLIANCE**

It is recommended that the Board approve the SECOND READING of Policy 627: *Federal Fiscal Compliance*.

**XVII. SECOND READING POLICY 808: FOOD SERVICES**

It is recommended that the Board approve the SECOND READING of Policy 808: *Food Services*.

**XVIII. SECOND READING POLICY 819: SUICIDE AWARENESS**

It is recommended that the Board approve the SECOND READING of Policy 819: *Suicide Awareness*.

**XIX. ATTACHMENT NO. 627-AR-1: TYPES OF COSTS OBLIGATIONS PROPERTY MANAGMENT**

It is recommended that the Board approve the SECOND READING of Attachment No. 627-AR-1: *Types of Costs Obligations Property Management*.

**XX. ATTACHMENT NO. 627-AR-2: ALLOWABILITY OF COSTS**

It is recommended that the Board approve the SECOND READING of Attachment No. 627-AR-2: *Allowability of Costs*.

**XXI. ATTACHMENT NO. 627-AR-3: CASH MANAGEMENT**

It is recommended that the Board approve the SECOND READING of Attachment No. 627-AR-3: *Cash Management*.

**XXII. ATTACHMENT NO. 627-AR-4: SUBRECIPIENT MONITORING**

It is recommended that the Board approve the SECOND READING of Attachment No. 627-AR-4: *Subrecipient Monitoring*.

**XXIII. ATTACHMENT NO. 627-AR-5: PROCUREMENT**

It is recommended that the Board approve the SECOND READING of Attachment No. 627-AR-5: *Procurement*.

**XXIV. ATTACHMENT NO. 819-AR-1: SUICIDE PREVENTION RESOURCES**

It is recommended that the Board approve the SECOND READING of Attachment No. 819-AR-1: *Suicide Prevention Resources*.

# EDUCATION REPORT

September 15, 2020

Mrs. Theresa Lydon, Chairperson

## BOARD ACTION REQUESTED

### I. ADOPTION OF TEXTBOOK FOR THE 2020/2021 SCHOOL YEAR

The Administration recommends the adoption and purchase (approximate cost listed below) of the following textbook for the 2020/2021 school year:

<u>Textbook</u>	<u>Publisher</u>	<u>Price</u>
<i>Temas</i> , AP Spanish (includes digital subscriptions)	Vista Higher Learning	\$2,770.90 (22 copies @ \$129.95 each)
<i>Themes</i> , AP French (includes digital subscriptions)	Vista Higher Learning	\$1,259.50 (10 copies @ \$125.95 each)



# **PUPIL PERSONNEL REPORT**

**September 15, 2020**

**Dr. William P. Stropkaj**

## **BOARD ACTION REQUESTED**

### **I. ALLEGHENY INTERMEDIATE UNIT HEAD START LEASE AGREEMENT**

The Administration recommends that the Board approve the Allegheny Intermediate Unit Head Start Program Lease Agreement with the Keystone Oaks School District at an amount of \$4,500.00, payable in twelve (12) installments of \$375.00, effective September 1, 2020 through August 31, 2021. The space rental is for a classroom at Dormont Elementary School.

# PERSONNEL REPORT

September 15, 2020

Mr. Matthew Cesario, Chairperson  
Ms. Patricia A. Shaw, Co-Chairperson

## BOARD ACTION REQUESTED

### I. RETIREMENT

The Administration recommends that the Board accept the following retirement effective September 7, 2020

<u>Name</u>	<u>Position</u>	<u>Years of Service</u>
Beverly Farber	Paraprofessional – Myrtle Elementary	14

### II. RESIGNATION

It is recommended that the Board accept the following resignations:

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>
Scott Cunningham	Custodian	August 17, 2020
Heidi Pape	Paraprofessional	August 15, 2020

### III. APPOINTMENTS

#### 1. Professional Employee

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2017-2020*, the Administration recommends the employment of:

**Richelle Davis**  
Special Education – Myrtle Elementary  
Salary - \$45,000.00 (M, Step 1)  
Effective – September 1, 2020

**Gina Huss**  
ELA – Middle School  
Salary - \$48,000.00 (M, Step 4)  
Effective – September 1, 2020

**Erin Rebish**  
Nurse – Districtwide  
Salary - \$44,500.00 (B+24, Step 1)  
Effective – August 25, 2020

**Abbey Schaffer**

Special Education – Dormont Elementary  
Salary - \$45,000.00 (M, Step 1)  
Effective – September 1, 2020

**Georgia Yamalis**

Special Education – Aiken Elementary  
Salary - \$45,000.00 (M, Step 1)  
Effective – September 1, 2020

**2. Long Term Substitutes**

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2017-2020*, it is recommended that the Board approve the following individuals as a Long Term Substitutes:

**Elesa DiBello**

4<sup>th</sup> Grade – Myrtle Elementary – 2020/2021 School Year  
Salary - \$45,000.00 (M, Step 1)  
Effective – September 1, 2020

**Kimberly Douglass**

2<sup>nd</sup> Grade – Dormont Elementary – 2020/2021 School Year  
Salary - \$45,000.00 (M, Step 1)  
Effective – September 1, 2020

**Kelly Kutrufis**

4<sup>th</sup> Grade – Myrtle Elementary – 2020/2021 School Year  
Salary - \$44,250.00 (B, Step 1)  
Effective – September 1, 2020

**3. Department Liaisons 2020/2021**

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2017-2020*, it is recommended that the following teachers be approved as Department Liaisons for the 2020/2021 school year:

<u>Employee</u>	<u>Grade/Subject</u>	<u>Compensation</u>
Ryan Warner	Seventh Grade	\$1,000.00

**4. Approval of Athletic Positions and Stipends**

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2017-2020*, it is recommended that the Board approve the following individuals for the 2020/2021 school year:

<b><u>Sport</u></b>	<b><u>Position</u></b>	<b><u>Coach</u></b>	<b><u>Stipend</u></b>
<b>Cheerleaders</b>	Varsity	<b>Sharon Bean</b>	\$3,850.00
	JV	<b>Lexi Fabbio</b>	\$1,150.00
	JV	<b>Bre Pierce</b>	\$1,150.00
	Middle School	<b>Sydney DeAngelis</b>	\$2,075.00
<b>Cross Country</b>	Head Coach	<b>Sarah Hardner</b>	\$4,250.00
	Assistant	<b>Judith Fritz</b>	\$2,000.00
	Assistant	<b>Lainey Resatar</b>	\$2,000.00
<b>Dance Team</b>	Head Coach	<b>Sydney DeAngelis</b>	\$2,075.00
<b>Football</b>	Head Coach	<b>Greg Perry</b>	\$8,350.00
	Assistant	<b>Steve McCormick</b>	\$5,800.00
	Assistant	<b>Russ Klein</b>	\$5,200.00
	Assistant	<b>Jim Feeney</b>	\$5,200.00
	Assistant	<b>Donnie Burns</b>	\$5,200.00
	Assistant	<b>Dale Klobuchir</b>	\$3,375.00
	Assistant	<b>Kobe Phillippi</b>	\$3,375.00
	Assistant	<b>Joseph Kazalas</b>	\$3,375.00
	Middle School	<b>Andrew Bell</b>	\$3,450.00
	Middle School	<b>Jimmy Canello</b>	\$3,350.00
Middle School	<b>Paul Jankowiak</b>	\$3,350.00	
Middle School	<b>Mike Orosz</b>	\$3,375.00	
<b>Golf</b>	Head Coach	<b>Dennis Sarchet</b>	\$4,250.00
	Assistant	<b>Josh Short</b>	\$2,800.00
<b>Soccer (Boys)</b>	Head Coach	<b>Tyler Schultz</b>	\$4,750.00
	Assistant	<b>John McCarthy</b>	\$2,500.00
	Assistant	<b>Eric Michalski</b>	\$2,500.00
	Assistant	<b>John Paul Nicola</b>	\$2,500.00
	Middle School	<b>Keith Buckley</b>	\$3,000.00
	Middle School	<b>Jeremy Diven</b>	\$2,100.00
<b>Soccer (Girls)</b>	Head Coach	<b>Roman Nardozi</b>	\$4,750.00
	Assistant	<b>Bryan Taylor</b>	\$3,600.00
	Assistant	<b>Hayley Frederick</b>	\$3,140.00
	Middle School	<b>Ed Scott</b>	\$2,860.00
	Middle School	<b>Matt Paradise</b>	\$3,000.00
<b>Tennis (Girls)</b>	Head Coach	<b>Leslie Leopold</b>	\$4,200.00
	Assistant	<b>James Svidron</b>	\$2,800.00
<b>Volleyball (Girls)</b>	Head Coach	<b>Michael O'Leary</b>	\$4,250.00
	Assistant	<b>Dave Harouse</b>	\$2,855.00
	Volunteer	<b>Isabella Harris</b>	

<b>Support Positions</b>	Athletic Director	<b>Mark Elphinstone</b>	\$8,350.00
	Equipment Manager	<b>Mark Elphinstone</b>	\$4,700.00
	Weight Room Coordinator	<b>Greg Perry</b>	\$2,652.00

**5. Specialized and Support Positions**

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2017-2020*, it is recommended that the Board approve the following individuals for the 2020/2021 school year:

<b><u>Position</u></b>	<b><u>Name</u></b>	<b><u>Stipend</u></b>
Marching Band Director	<b>William Eibeck</b>	\$5,000.00
Marching Band Assistant	<b>Chelsea Fredrickson</b>	\$3,000.00
Marching Band Assistant	<b>Abigail Langhorst</b>	\$2,400.00
Marching Band Assistant	<b>Kaitlyn Caron</b>	\$2,100.00

**IV. LEAVE OF ABSENCE**

It is recommended that the Board approve the following individuals for Family and Medical Leave:

- Employee 806 – Effective August 24, 2020 to November 23, 2020
- Employee 2077 – Effective September 8, 2020 to December 1, 2020
- Employee 3416 – Effective September 8, 2020 to December 3, 2020
- Employee 4206 – Effective September 8, 2020 to December 3, 2020

**FINANCE REPORT**  
**September 15, 2020**

**Ms. Raeann Lindsey, Chairperson**

**BOARD ACTION REQUESTED**

**I. ACCOUNTS PAYABLE APPROVAL LISTS THROUGH AUGUST 31, 2020**

The Administration recommends approval of the following Accounts Payable lists as presented in the *Finance Package*:

A. General Fund as of August 31, 2020 (Check No. 62544-62872)	\$645,986.88
B. Food Service Fund as of August 31, 2020 (Check No. 9265-9273)	\$21,858.30
C. Athletics as of August 31, 2020 (Check No. 3221-3224)	\$4,565.05
D. Capital Reserve as of August 31, 2020 (Check No. 1645)	\$123,259.04
<b>TOTAL</b>	<b>\$795,669.27</b>

**FOR INFORMATION ONLY**

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

<b>ACCT</b>	<b>DESCRIPTION</b>	<b>2020-2021 BUDGET TOTAL</b>	<b>2020-2021 2 MONTH AUGUST/ACTUAL</b>	<b>OVER (UNDER) BUDGET</b>
<b>Revenue</b>				
6000	Local Revenue Sources	\$ 29,055,241	\$ 12,234,705	\$ (16,820,536)
7000	State Revenue Sources	\$ 12,349,006	\$ 651,303	\$ (11,697,703)
8000	Federal Revenue Sources	\$ 946,330	\$ -	\$ (946,330)
<b>Total Revenue</b>		<b>\$ 42,350,577</b>	<b>\$ 12,886,008</b>	<b>\$ (29,464,569)</b>
<b>Expenditures</b>				
100	Salaries	\$ 17,502,435	\$ 620,536	\$ 16,881,899
200	Benefits	\$ 10,794,110	\$ 253,602	\$ 10,540,508
300	Professional/Technical Services	\$ 1,863,096	\$ 75,904	\$ 1,787,192
400	Property Services	\$ 1,124,200	\$ 126,210	\$ 997,990
500	Other Services	\$ 5,242,271	\$ 229,908	\$ 5,012,363
600	Supplies/Books	\$ 1,334,927	\$ 557,499	\$ 777,428
700	Equipment/Property	\$ 328,850	\$ 848,092	\$ (519,242)
800	Other Objects	\$ 490,420	\$ 19,419	\$ 471,001
900	Other Financial Uses	\$ 4,500,000	\$ -	\$ 4,500,000
<b>Total Expenditures</b>		<b>\$ 43,180,309</b>	<b>\$ 2,731,170</b>	<b>\$ 40,449,139</b>
<b>Revenues exceeding Expenditures</b>		<b>\$ (829,732)</b>	<b>\$ 10,154,838</b>	<b>\$ 10,984,570</b>
<b>Other Financing Sources/(Uses)</b>				
	Interfund Transfers In (Out)	\$ -	\$ -	\$ -

**II. SUMMARY OF STUDENT ACTIVITIES ACCOUNTS AS OF AUGUST 31, 2020**

<b>Bank Account - Status</b>	<b>Middle / High School</b>	<b>Athletics</b>
Cash Balance - 8/1/2020	\$ 74,385.86	\$ 1,551.80
Deposits	\$ 15.79	\$ 7,400.66
Subtotal	\$ 74,401.65	\$ 8,952.46
Expenditures	\$ -	\$ 3,848.15
Cash Balance - 8/31/2020	\$ 74,401.65	\$ 5,104.31

**III. BANK BALANCES**

**BANK BALANCES PER STATEMENT AS OF AUGUST 31, 2020**

	<b>BALANCE</b>
<b>GENERAL FUND</b>	
FNB BANK	\$ 2,203,257
PAYROLL (pass-thru account)	\$ 13,110
FNB SWEEP ACCOUNT	\$ 84
ATHLETIC ACCOUNT	\$ 5,104
PLGIT	\$ 4,439,208
FNB MONEY MARKET	\$ 9,367,312
PSDLAF	\$ 162,285
INVEST PROGRAM	\$ 181,578
OTHER POST-EMPLOYMENT BENEFITS	\$ 1,982,427
COMPENSATED ABSENCES	\$ 429,692
	<u><u>\$ 18,784,057</u></u>
 <b>CAFETERIA FUND</b>	
FNB BANK	\$ 251,043
PLGIT	\$ 292,321
	<u><u>\$ 543,364</u></u>
 <b>CONSTRUCTION FUND / CAP RESERVE</b>	
FNB BANK	\$ 1,164,780
PLGIT - G.O. BOND SERIES C OF 2014/ 12-19	\$ 800
	<u><u>\$ 1,165,580</u></u>
 <b>GRAND TOTAL</b>	 16 <u><u>\$ 20,493,001</u></u>



# **FACILITIES REPORT**

**September 15, 2020**

**Mr. Santo Raso, Chairperson**

## **BOARD ACTION REQUESTED**

### **I. PRESS BOX WINDOW REPLACEMENT**

It is recommended that the Board approve the proposal prepared by Windows R Us for the replacement of windows in the press box at Dormont Stadium, at a cost not to exceed \$3,965.00.

# ACTIVITIES & ATHLETICS REPORT

September 15, 2020

Ms. Raeann Lindsey, Chairperson

## **BOARD ACTION REQUESTED**

### **I. ATHLETIC HEALTH AND SAFETY PLAN CHANGE**

It is recommended that the Board approve the following changes (added language) to the Athletic Health and Safety Plan that was approved on June 30, 2020:

Water pumpers will be available at facilities. Coaches and athletic trainers will be the people filling athletes' water bottles. Athletes are responsible for having their own water bottle.

Travel to games:

- 24 persons on a large school bus with physical distancing, mask required.
- 6 persons on a large van with physical distancing, mask required.
- 2 persons on a small van with physical distancing, mask required.

Transportation has limited numbers that can ride the bus/vans. Masks must be worn at all times when traveling.

Locker rooms will not be available other than to change. Athletes will be sent to locker rooms in small groups and have 5 minutes to change and leave the locker room. Showers will not be available. Bathrooms will be available.

Locker rooms will not be available for away teams. Teams will need to come to the facilities prepared. Bathrooms will be available. In the event of severe weather, locker rooms will be made available.

The District will follow the PIAA/WPIAL guidelines set forth for having WPIAL contest, the Allegheny Health Department Guidelines and the District's Return to Play Guidelines.

KEYSTONE OAKS SCHOOL DISTRICT

# Policy

# Guide



Policy No. 103

Section PROGRAMS

Title NONDISCRIMINATION/  
IN SCHOOL & CLASSROOM  
PRACTICES TITLE IX SEXUAL  
HARRASSMENT AFFECTING  
STUDENTS

Adopted AUGUST 21, 1989

Revised MARCH 20, 2018;  
JUNE 26, 2014;  
FEBRUARY 16, 1998

<p><b>Section 1</b></p>	<p style="text-align: center;"><b>POLICY NO. 103</b> <b>NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</b></p> <p style="text-align: center;"><b><del>THIS POLICY SHALL SUPERSEDE POLICY 248.</del></b></p> <p><b><u>Authority</u></b></p> <p>The Board declares it to be the policy of this District to provide an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the schools without discrimination on the basis of race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category.</p> <p>The Board also declares it to be the policy of this District to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.</p> <p>The District is committed strives to the maintain maintenance of</p>	<p>SC 1301-A, 1310, 1601-C et seq. Title-22 PA CodeSee: 4.4, 12.1.12.4, 15.1 et seq. 24 P.S. See: 5004 43 P.S. See: 951 et seq. 20 U.S.C. See: 1681 et seq. 29 U.S.C. See: 794 42 U.S.C. See: 2000d et seq., 12101 et seq., 1981 et seq. 34 CFR Part 106 Pol. 103.1, 218, 247, 249 U.S. Const. Amend.</p>
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**POLICY NO. 103**  
**~~NONDISCRIMINATION IN SCHOOL AND~~**  
**~~CLASSROOM PRACTICES/TITLE IX SEXUAL~~**  
**HARRASSMENT AFFECTING STUDENTS**

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~~ district ~~school~~-sponsored programs or activities and including ~~on any conveyance providing~~ transportation to or from a school ~~entity~~ or school-sponsored activities.

Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures.

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 parties who believes ~~they~~/~~he~~ or others ~~have~~s 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

XIV

Pol. 113.1, 218,  
233, 817

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

~~the incidents to the building principal, even if some elements of the related incident took place or originated away from school grounds, school activities or school conveyances. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination. Any person with knowledge of conduct that may violate this policy, is encouraged to immediately report the matter to the building principal.~~

The student's person(s) in parental relation or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.

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 Officer**.

~~The District shall provide to all students, without discrimination, course offerings, counseling, assistance, services, employment, athletics and extracurricular activities. The District shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations. The Board encourages students and third parties who believe they or others have been subject to discrimination to promptly report such incidents to designated employees, even if some elements of the related incident took place or originated away from school grounds, school activities or school conveyances.~~

The complainant or the individual making the report may use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) attached to this policy for purposes of reporting an incident or incidents in writing; however, verbal reports of an incident or incidents shall

Pol. 806

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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.

When an emergency removal, as described in 103-AR-3, is

Pol. 113.1, 113.2, 113.3, 233

Pol. 113.1, 113.2,

	<p style="text-align: center;"><b>POLICY NO. 103</b>  <b><del>NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES</del>/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</b></p> <p>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.</p> <p>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.</p> <p><u>Confidentiality</u></p> <p>Confidentiality of all parties, witnesses, the allegations, the filing of a <del>report</del><b>complaint</b> 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.</p> <p><u>Retaliation</u></p> <p>The Board prohibits retaliation by the District or any other person against any person for:</p> <ol style="list-style-type: none"> <li>1. Reporting or making a formal <del>complaint</del><b>report</b> of any form of discrimination or retaliation, including Title IX sexual harassment.</li> <li>2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.</li> <li>3. Acting in, <del>or</del> <b>opposition</b>ng to practices the person</li> </ol>	<p>218, 233</p> <p>20 U.S.C. 1232g  34 CFR 106.44,  106.45, 106.71  34 CFR Part 99</p> <p>34 CFR 106.71</p>
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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.

**Discrimination**

**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, **H**arassment is a form of

~~29 CFR Sec.  
1604.11, 1606.8  
526 U.S. 629  
(1999)  
503 U.S. 60 (1992)~~



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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.

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:

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.

34 CFR 106.30

Pol. 103.1, 113,  
113.1, 113.2, 113.3

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**Title IX sexual harassment** means conduct on the basis of sex that satisfies 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

	<p style="text-align: center;"><b>POLICY NO. 103</b>  <b><del>NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</del></b></p> <p style="text-align: center;">domestic or family violence laws of the jurisdiction.</p> <p>c. <b>Sexual assault</b> 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.</p> <p>d. <b>Stalking</b>, 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:</p> <ul style="list-style-type: none"> <li>i. Fear for their safety or the safety of others.</li> <li>ii. Suffer substantial emotional distress.</li> </ul> <p>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.</p> <p><del>Sexual harassment is a form of discrimination on the basis of sex and is subject to this policy. For purposes of this policy, <b>sexual harassment</b> 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:</del></p> <ul style="list-style-type: none"> <li><del>1. 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</del></li> </ul>	<p>20 U.S.C. 1092</p> <p>34 U.S.C. 12291</p> <p>34 CFR 106.30, 106.44, 106.45</p>
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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~~

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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 District's nondiscrimination procedures in the following areas, as appropriate:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training -- Provide ~~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 as ~~available~~ assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
4. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
5. District Support - Assure ~~ancee~~ that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment, and related areas.
6. Student Evaluation - Review of ~~assessments tests,~~ procedures, and guidance and counseling materials for stereotyping and discrimination.

Pol. 150

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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 relation**~~arents/guardians~~ to initiate an investigation where the complainant or alleged victim is under age eighteen (18). Inform the **person(s) in parental relation**~~arents/guardians~~ and students who are complainants or accused of violating this policy that ~~they/s/he~~ may be accompanied by a **person in parental relation**~~arent/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.
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.
5. Use of relevant technology.
6. Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
7. Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports



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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, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category shall follow the Discrimination Complaint Procedures in 103-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 103-AR-3 to this policy.

**Step 1—Reporting**

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

~~A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.~~

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

~~The complainant or reporting employee is encouraged to use the district's report form (103-AR-1) available on the district website, from the building principal or the administrative office, but oral complaints shall be accepted, documented and the procedure of this policy implemented. The person accepting the~~

Pol. 806

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~~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

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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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~~finding made pursuant to the policy or with the corrective action recommended in the investigative report, 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 investigation.~~

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

References:

School Code – 24 P.S. Sec. 1301-A, 1310, 1610-C et seq.

State Board of Education Regulations – 22 PA Code Sec. 4.4, 12.1, 12.4, 15.1 et seq.

Unfair Education Practices – 24 P.S. Sec. 5004

Pennsylvania Human Relations Act – 43 P.S. Se. 951 et seq.

Section 504 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.

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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: 412-571-6013

**Retaliation Prohibited**

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

**Confidentiality**

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

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



**I. Information About the Person Making This Report:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

School Building: \_\_\_\_\_

I am a:

Student     Parent/Guardian     Employee     Volunteer     Visitor

Other \_\_\_\_\_ (please explain relationship to the District)

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

Name: \_\_\_\_\_

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

Other: \_\_\_\_\_ (please explain relationship to the alleged victim)

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

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

Name(s):

**The reported individual(s) is/are:**

Student(s)     Employee(s)

Other \_\_\_\_\_ (please explain relationship to the district)

### **III. Description of the Conduct You are Reporting**

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

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

Where did the reported conduct take place?

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

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

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

Yes       No

If yes, who did you tell about it?

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

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

\_\_\_\_\_  
Signature of Person Making the Report

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By

\_\_\_\_\_  
Date

**FOR OFFICIAL USE ONLY**

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

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

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

**I. Reporter Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

School Building: \_\_\_\_\_

Reporter is a:

Student     Parent/Guardian     Employee     Volunteer     Visitor

Other \_\_\_\_\_ (please explain relationship to the District)

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

Name: \_\_\_\_\_

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

Other: \_\_\_\_\_ (please explain relationship to the alleged victim)

**II. Respondent Information**

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

Name(s):

**The reported respondent(s) is/are:**

- Student(s)       Employee(s)
- Other \_\_\_\_\_ (please explain relationship to the District)

**III. Level of Report:**

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

**IV. Type of Report:**

- Title IX Sexual Harassment     Discrimination     Retaliation     Bullying
- Hazing       Dating Violence       Other \_\_\_\_\_

**Nature of the Report (check all that apply):**

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

**V. Reported Conduct**

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

How often did the conduct occur?

Is it being repeated?       Yes       No

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

No.

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

Date Director of Special Education was contacted: \_\_\_\_\_

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

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

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

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

## **VI. Safety Concerns**

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

No.

Yes, please describe:

## VII. Other Reports

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

No

Yes      Date reported: \_\_\_\_\_ Agency: \_\_\_\_\_

## VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

- Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students
- Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff
- Policy 247. Hazing
- Policy 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?

Yes

No

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

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

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

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

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

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

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

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

## **IX. Recommended Course of Action**

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

No further action at this time. Reason:

Policy 247. Hazing

Policy 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.

**XI. Title IX Coordinator Signature**

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

Title IX Coordinator: \_\_\_\_\_

Date: \_\_\_\_\_

**XII. Title IX Formal Complaint Action**

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

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

Yes  No

Complainant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

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

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

Title IX Coordinator's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## DISCRIMINATION COMPLAINT PROCEDURES

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*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 do not 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.*

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

## **Step 2 – Initial Communications/Supports**

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

The building principal 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**

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*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.*

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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 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**

### General Response – (with or without a formal complaint)

Any person, whether the alleged victim or not, may report Title IX sexual harassment using the Discrimination/Sexual Harassment/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 Director of Special Education to coordinate the required actions in accordance with Board policy. (Pol. 113, 113.1, 113.2, 113.3)

Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.4, 216)

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 Director of Special Education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, 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 Director of Special Education 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 not a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is 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 not included in the initial notice provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX Coordinator. The Title IX Coordinator shall provide written notice of the new allegations to the known parties.

Prior to the completion of the investigative report, the investigator shall:

1. Send to each party and the party's advisor, if any, the evidence subject to inspection and review in electronic or hard copy format.
2. Provide the parties at least ten (10) school days following receipt of the evidence to submit a written response.
3. Consider the written response prior to drafting the investigative report.

The investigator shall draft an investigative report that fairly summarizes relevant evidence and shall provide the investigative report to all parties and to the designated decision-maker.

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

KEYSTONE OAKS SCHOOL DISTRICT

# Policy

# Guide



Policy No. 104

Section PROGRAMS

Title ~~NONDISCRIMINATION IN EMPLOYMENT PRACTICES~~/TITLE IX SEXUAL HARRASSMENT AFFECTING STAFF

Adopted AUGUST 21, 1989

Last Revised MARCH 20, 2018;  
JUNE 26, 2014;  
FEBRUARY 16, 1998

<p><b>Section 1</b></p>	<p style="text-align: center;"><b>POLICY NO. 104</b> <b><del>NONDISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STAFF IN EMPLOYMENT PRACTICES</del></b></p> <p style="text-align: center;"><b><del>THIS POLICY SHALL SUPERSEDE POLICY 848.</del></b></p> <p><b><u>Authority</u></b></p> <p>The Board declares it to be the policy of this District to provide to all persons equal access to all categories of employment in this District, regardless of race, color, age, creed, religion, 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. The District shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state law and regulations.</p> <p>The Board also declares it to be the policy of this District to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the District may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.</p>	<p>43 P.S. <del>See:</del> 336.3, 951 et seq. 34 CFR 106 20 U.S.C. Sec. 1681 et seq. 29 U.S.C. <del>See:</del> 206, 621 et seq., 794 42 U.S.C. <del>See:</del> 1981 et seq., 2000e et seq., 2000ff et seq., 12101 et seq. U.S. Const. Amend. XIV <del>Pol. 806, 817, 824</del></p>
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**POLICY NO. 104**  
**NONDISCRIMINATION/TITLE IX SEXUAL**  
**HARRASSMENT AFFECTING STAFF ~~IN~~**  
**~~EMPLOYMENT PRACTICES~~**

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

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

Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation

The Board encourages employees and third parties who believe they or others have been subject to Title IX sexual harassment, other discrimination or retaliation to promptly report such incidents to the building principal or building administrator ~~designated 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

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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

<p><b>Section 2</b></p>	<p style="text-align: center;"><b>POLICY NO. 104</b>  <b>NONDISCRIMINATION/TITLE IX SEXUAL</b>  <b>HARRASSMENT AFFECTING STAFF <del>IN</del></b>  <b>EMPLOYMENT PRACTICES</b></p> <p>Confidentiality of all parties, witnesses, the allegations, the filing of a <del>report</del> <b>complaint</b>, 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, <del>the attachments</del> and the District’s legal and investigative obligations.</p> <p><u>Retaliation</u></p> <p>The Board prohibits retaliation by the District or any other person against any person for:</p> <ol style="list-style-type: none"> <li>1. Reporting or <del>making</del> a formal <del>complaint</del> <b>report</b> of any form of discrimination or retaliation, including Title IX sexual harassment.</li> <li>2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.</li> <li>3. Acting in opposition, <del>or opposing</del> to practices the person reasonably believes to be discriminatory.</li> </ol> <p>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.</p> <p><u>Definitions</u></p> <p><b>Complainant</b> shall mean an individual who is alleged to be the victim.</p> <p><b>Respondent</b> shall mean an individual alleged to be the perpetrator of the discriminatory conduct.</p> <p><u>Discrimination</u></p> <p><b>Discrimination</b> shall mean to treat individuals differently, or to</p>	<p>20 U.S.C. 1232g  34 CFR 106.44,  106.45, 106.71  34 CFR Part 99</p> <p>Pol. 817</p> <p><del>42 U.S.C. 2000ff et seq.  29 CFR 1604.11,  1606.8</del></p>
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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, H~~**harassment** is a form of 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 work performance, including when: ~~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 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

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1. ~~\_\_\_\_\_ Sufficiently severe, persistent or pervasive; and~~

~~2.~~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 ~~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.

**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.

34 CFR 106.30

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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

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- 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~~
- ~~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.~~

**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

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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

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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 formal ~~building 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**

**Guidelines**

Title IX Sexual Harassment Training Requirements

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

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

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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~~

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~~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~~



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~~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 criminal 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~~

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~~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~~

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~~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

- ~~1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, s/he may submit a written appeal to the 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

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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: lochie@kosd.org

Phone Number: 412-571-6013

**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, not a formal complaint of Sexual Harassment under Title IX.*

**I. Information About the Person Making This Report:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Assigned School Building: \_\_\_\_\_

I am a:

- Employee    Volunteer    Visitor  
 Other \_\_\_\_\_ (please explain relationship to the District)

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

Name: \_\_\_\_\_

The alleged victim is:    Another Employee    Student

Other: \_\_\_\_\_ (please explain relationship to the alleged victim)

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

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

Name(s):

**The reported individual(s) is/are:**

- Student(s)       Employee(s)  
 Other \_\_\_\_\_ (please explain relationship to the District)

### **III. Description of the Conduct You are Reporting**

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

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

Where did the reported conduct take place?

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

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

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

Yes       No

If yes, who did you tell about it?

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

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

\_\_\_\_\_  
Signature of Person Making the Report

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By

\_\_\_\_\_  
Date



**FOR OFFICIAL USE ONLY**

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

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

*Upon receipt of the report, The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures as described in Policy 104 and 104-AR-3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.*

**I. Reporter Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

School Building: \_\_\_\_\_

Reporter is a:

Employee    Volunteer    Visitor

Other \_\_\_\_\_ (please explain relationship to the District)

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

Name: \_\_\_\_\_

The alleged victim is:    Another Employee    Student

Other: \_\_\_\_\_ (please explain relationship to the alleged victim)

## II. Respondent Information

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

Name(s):

**The reported respondent(s) is/are:**

- Student(s)       Employee(s)
- Other \_\_\_\_\_ (please explain relationship to the District)

## III. Level of Report:

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

## IV. Type of Report:

- Title IX Sexual Harassment       Discrimination       Retaliation       Other \_\_\_\_\_

**Nature of the Report (check all that apply):**

- |  |  |
|--|--|
| <input type="checkbox"/> Race                | <input type="checkbox"/> Age                 |
| <input type="checkbox"/> Color               | <input type="checkbox"/> Creed               |
| <input type="checkbox"/> Religion            | <input type="checkbox"/> Sex                 |
| <input type="checkbox"/> Sexual Orientation  | <input type="checkbox"/> Sexual Harassment   |
| <input type="checkbox"/> National Origin     | <input type="checkbox"/> Ancestry            |
| <input type="checkbox"/> Marital Status      | <input type="checkbox"/> Pregnancy           |
| <input type="checkbox"/> Handicap/Disability | <input type="checkbox"/> Genetic Information |

## V. Reported Conduct

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

How often did the conduct occur?

Is it being repeated?       Yes       No

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

No.

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

Date Director of Special Education was contacted: \_\_\_\_\_

How has the conduct affected the alleged victim's ability to fully participate in the school's 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.)

No.

Yes, please describe:

## VII. Other Reports

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

No

Yes      Date reported: \_\_\_\_\_ Agency: \_\_\_\_\_

## VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students

Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff

Other \_\_\_\_\_

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

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

Yes

No

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

A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual harassment.

Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.

Sexual assault, dating violence, domestic violence or stalking.

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

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

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

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

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

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

### **IX. Recommended Course of Action**

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

- No further action at this time. Reason:
- Policy 104-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.

Yes  No

Complainant’s Signature: \_\_\_\_\_

Date: \_\_\_\_\_

If the complainant does not wish this report to be treated as a formal complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is 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

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*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.*

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

## **Step 2 – Initial Communications/Supports**

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

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

The building principal, building administrator or designee may provide to the complainant factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or respondent.

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

### *Informal Remedies -*

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

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

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

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

### **Step 3 – Investigation**

The Compliance Officer shall assess whether the investigation should be conducted by the building principal, building administrator another district employee, 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

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*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.*

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### Definitions

**Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to the District’s Title IX Coordinator or any district official who has the authority to institute corrective measures on behalf of the District, or to any employee of an elementary and secondary school, other than the respondent.

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

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

**Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the District investigate the allegation. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator the complainant or other party during the grievance process. The phrase “**document filed by a complainant**” refers to a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

**Retaliation** shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report conduct that may constitute discrimination or harassment, including Title IX sexual harassment, in accordance with Board policy and procedures, participate in an investigation or other process addressing discrimination or Title IX sexual harassment, or act in opposition to discriminatory practices.

The following actions shall not constitute retaliation:

1. An individual exercising free speech under the rights protected by the First Amendment.
2. The assignment of consequences consistent with Board policy when an individual knowingly makes a materially false statement in bad faith in an investigation. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

**Supportive measures** mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

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

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

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

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



- a. **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
  - 1) Length of relationship.
  - 2) Type of relationship.
  - 3) Frequency of interaction between the persons involved in the relationship.
- b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- c. **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
  - 1) Fear for their safety or the safety of others.
  - 2) Suffer substantial emotional distress.

Such conduct must have taken place during a District education program or activity and against a person in the United States to qualify as sexual harassment subject to Title IX regulations. An **education program or activity** includes the locations, events or circumstances over which the District exercises substantial control over both the respondent and the context in which the harassment occurs.

## **TITLE IX SEXUAL HARASSMENT PROCEDURES**

### General Response – (with or without a formal complaint)

Any person, whether the alleged victim or not, may report Title IX sexual harassment using the Discrimination/Sexual Harassment/Retaliation Report Form (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 Director of Special Education to coordinate the required actions in accordance with Board policy. (Pol. 113, 113.1, 113.2, 113.3)

Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.4, 216, 324)

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

The District shall treat complainants and respondents equitably by:

1. Offering supportive measures to the complainant and may offer such measures to the respondent.
2. Following the grievance process for formal complaints before imposing disciplinary sanctions or other actions that are not supportive measures on the respondent.

### *Supportive Measures -*

All supportive measures provided by the District shall remain confidential, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. (34 CFR 106.44)

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

### *Reasonable Accommodations –*

Throughout the Title IX sexual harassment procedures, the District shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 104, 113, 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 not a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is a supervisor, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. Only the Title IX Coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

The complainant or the Title IX Coordinator shall use the designated section of the Discrimination/Sexual Harassment/Retaliation Report Form (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 not included in the initial notice provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX Coordinator. The Title IX Coordinator shall provide written notice of the new allegations to the known parties.

Prior to the completion of the investigative report, the investigator shall:

1. Send to each party and the party's advisor, if any, the evidence subject to inspection and review in electronic or hard copy format.
2. Provide the parties at least ten (10) school days following receipt of the evidence to submit a written response.
3. Consider the written response prior to drafting the investigative report.

The investigator shall draft an investigative report that fairly summarizes relevant evidence and shall provide the investigative report to all parties and to the designated decision-maker.

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



Policy No. 247

Section PUPILS

Title HAZING

Adopted AUGUST 15, 2017

Last Revised \_\_\_\_\_

<p><b>Section 1</b></p>	<p style="text-align: center;"><b>POLICY NO. 247 HAZING</b></p> <p style="text-align: center;"><del><b>THIS POLICY SHALL SUPERSEDE POLICY 257.</b></del></p> <p><b><u>Purpose</u></b></p> <p>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.</p>	
<p><b>Section 2</b></p>	<p><b><u>Definitions</u></b></p> <p><b>Hazing</b> occurs when a person <del>For purposes of this policy hazing is defined as any action or situation which recklessly or 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</del> for the purpose of initiating <del>on, or admitting, ssion into</del> or affiliating <del>ion with, or as</del> for the purpose of <del>a condition of</del> continuing <del>ed</del> membership or enhancing membership or status in; <del>any</del> organization, causes, coerces or forces a student to do any of the following. <del>The term shall include, but not be limited to:</del></p> <ol style="list-style-type: none"> <li>1. Violate federal or state criminal law.</li> <li><del>2.</del></li> <li><del>3.</del> <b>2.</b> <del>Forced</del> <b>C</b>onsumption of any food, liquid, alcoholic liquid <del>or,</del> drug or other substance which subjects the student to a risk of emotional or physical harm.</li> <li><del>4.</del></li> <li><del>5.</del> <b>3.</b> <del>Endure</del> <b>A</b>ny brutality of a physical nature, <del>including such</del></li> </ol>	<p>24 P.S. Sec. 5352 18 Pa. C.S.A. 2802</p>



<b>POLICY NO. 247 HAZING</b>	
<p style="text-align: center;"><del>as</del> whipping, beating, branding, calisthenics or exposure to the elements.</p> <p><del>6. Forced calisthenics.</del></p> <p><del>7. Exposure to the elements.</del></p> <p>4. Endure brutality of a mental nature <del>Any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include 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 that conduct which is intended to or</del> could result in humiliation, extreme embarrassment, <del>or any other forced activity which could adversely affect the mental health or dignity of the individual.</del></p> <p>5. Endure brutality of sexual nature.</p> <p><del>8.</del>6. Endure any other activity that creates a reasonable likelihood of bodily injury to the student.</p> <p><del>9.</del>7. Any willful destruction or removal of public or private property.</p> <p><b>Aggravated hazing</b> occurs when a person commits an act of hazing that results in serious bodily injury or death to the student and:</p> <ol style="list-style-type: none"> <li>1. The person acts with reckless indifference to the health and safety of the student; or</li> <li>2. The person causes, coerces or forces the consumption of an alcoholic liquid or drug by the student.</li> </ol> <p>Organizational hazing occurs when an organization intentionally, knowingly or recklessly promotes or facilitates hazing.</p> <p>Any activity, as described above, shall be deemed a violation of this policy regardless of whether:</p>	<p style="text-align: right;"><del>24 P.S. Sec. 5352</del></p> <p style="text-align: right;">18 Pa. C.S.A. 2803</p> <p style="text-align: right;">18 Pa. C.S.A. 2804, 2808</p> <p style="text-align: right;">18 Pa. C.S.A. 2806</p>

<p><b>Section 3</b></p>	<p style="text-align: center;"><b>POLICY NO. 247 HAZING</b></p> <ol style="list-style-type: none"> <li>1. The consent of the student was sought or obtained, or</li> <li>2. The conduct was sanctioned or approved by the school or organization.</li> </ol> <p><del>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.</del></p> <p><del>For purposes of this policy, S</del><b>student activity or organization</b><del> 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.</del></p> <p>For purposes of this policy, bodily injury shall mean impairment of physical condition or substantial pain.</p> <p>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.</p> <p><b><u>Authority</u></b></p> <p>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.</p> <p>No student, <del>person in parental relation</del><del>arent/guardian</del>, coach, sponsor, volunteer or district employee shall engage in, condone or ignore any form of hazing.</p> <p>The Board encourages students who <del>believe they, or others,</del> have been subjected to hazing <del>or become aware of a hazing</del> to promptly report such incidents to any staff member.</p>	<p>18 Pa. C.S.A. 2801 SC 511</p> <p>18 Pa. C.S.A. 2301</p> <p>18 Pa. C.S.A. 2301</p> <p>18 Pa. C.S.A. 2808, 2806 <del>24 P.S. Sec. 5354</del> Pol. 122,123</p>
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	<p><b>POLICY NO. 247</b> <b>HAZING</b></p> <p><u>Title IX Sexual Harassment and Other Discrimination</u></p> <p>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.</p>	Pol. 103, 103.1
<b>Section 4</b>	<p><b><u>Delegation of Responsibility</u></b></p> <p>Students, <del>person(s) in parental relation</del>arents/guardians, coaches, sponsors, volunteers, and district employees shall be alert to incidents of hazing and shall report such conduct <del>to the building principal or designee</del>.</p> <p>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.</p>	
<b>Section 5</b>	<p><b><u>Guidelines</u></b></p> <p>In addition to posting this policy on the district’s website, the District shall <del>annually</del> inform students, <del>person(s) in parental relation</del>arents/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 <del>that hazing is prohibited</del>, by means including publication in handbooks and verbal instructions by the coach or sponsor at the start of the season or program.</p> <p>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 <del>annually</del>, prior to coaching an athletic activity or serving as a responsible adult</p>	<p>18 Pa. C.S.A. 2808</p> <p><del>24 P.S. Sec. 5354</del></p> <p>SC 511</p> <p><del>24 P.S. Sec. 5354</del></p>

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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 they/he has/has 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. Allegations of hazing shall be investigated promptly, and appropriate corrective or preventative action be taken when 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 alleged hazing. The principal shall also notify the Superintendent of the investigation.~~

~~The principal shall prepare a written report summarizing the investigation and recommending disposition of the complaint.~~

~~The District shall document the corrective action taken.~~

~~SC-511  
24 P.S. Sec. 5354  
Pol. 218, 233~~

~~24 P.S. Sec. 5354  
Pol. 218~~

~~Pol. 817~~

	<p style="text-align: center;"><b>POLICY NO. 247 HAZING</b></p> <p><u>Interim Measures/Police</u></p> <p>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.</p> <p>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.</p> <p><i>Referral to Law Enforcement and Safe Schools Reporting Requirements –</i></p> <p>For purposes of reporting hazing incidents to law enforcement in accordance with Safe Schools Act reporting, the term <b>incident</b> 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.</p> <p>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</p>	<p>18 Pa. C.S.A. 2810</p> <p>SC 1303-A 22 PA Code 10.2 35 P.S. 780-102</p> <p>22 PA Code 10.2, 10.25 Pol. 805.1</p>
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**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.

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.

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.

*Students –*

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,** The 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.

24 P.S. 1303-A

18 Pa. C.S.A. 2810

18 Pa. C.S.A. 2808,  
2810  
SC 511  
Pol. 218, 233

**POLICY NO. 247  
HAZING**

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,~~ Penalties 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

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~~

# Policy Guide



Policy No. 252

Section PUPILS

Title DATING VIOLENCE

Adopted \_\_\_\_\_

Last Revised \_\_\_\_\_

<b>POLICY NO. 252 DATING VIOLENCE</b>		
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>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.</p>	
<b>Section 2</b>	<p><b><u>Definitions</u></b></p> <p><b>Dating Partner</b> 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.</p> <p><b>Dating Violence</b> 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.</p>	<p>SC 1553</p> <p>SC 1553</p>
<b>Section 3</b>	<p><b><u>Authority</u></b></p> <p>The Board encourages students who have been subjected to dating violence to promptly report such incidents.</p> <p>The District shall investigate promptly all complaints of dating violence and shall administer appropriate discipline to any student who violates this policy.</p>	<p>Pol. 218</p>



<p><b>Section 4</b></p>	<p style="text-align: center;"><b>POLICY NO. 252 DATING VIOLENCE</b></p> <p><u>Title IX Sexual Harassment and Other Discrimination</u></p> <p>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.</p>	<p>Pol. 103, 103.1</p>
	<p><b><u>Guidelines</u></b></p> <p><u>Complaint Procedure</u></p> <p>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.</p> <p>The building principal shall conduct a timely, impartial, and comprehensive investigation of the alleged dating violence.</p> <p>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.</p> <p>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.</p> <p>The District shall document the corrective action taken and, where not prohibited by law, inform the complainant.</p>	<p>SC 1553</p> <p>SC 1553 Pol. 218</p>

**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

# Policy Guide



Policy No. 817.1

Section OPERATIONS

Title EDUCATOR MISCONDUCT

Adopted JUNE 27, 2017

Last Revised \_\_\_\_\_

<b>POLICY NO. 817.1 EDUCATOR MISCONDUCT</b>	
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>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.</p>
<b>Section 2</b>	<p><b><u>Authority</u></b></p> <p>The Board requires certificated district employees to comply with the Code of Professional Practice and Conduct and the requirements of the Educator Discipline Act.</p> <p style="text-align: right;">22 PA Code 235.1 et seq. 24 P.S. 2070.1a</p>
<b>Section 3</b>	<p><b><u>Definitions</u></b></p> <p><b>Educator</b> – a person who holds a certificate. <span style="float: right;">24 P.S. 2070.1b</span></p> <p><b>Certificate</b> – any Commonwealth of Pennsylvania certificate, commission, letter of eligibility or permit issued under the School Code. <span style="float: right;">24 P.S. 2070.1b</span></p> <p><b>Sexual Abuse or Exploitation</b> – shall mean any of the following: <span style="float: right;">23 Pa. C.S.A. 6303</span></p> <ol style="list-style-type: none"> <li>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:             <ol style="list-style-type: none"> <li>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</li> </ol> </li> </ol>

**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:

- 1. 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.

24 P.S. 2070.1b

<p><b>Section 4</b></p>	<p style="text-align: center;"><b>POLICY NO. 817.1 EDUCATOR MISCONDUCT</b></p> <p>4. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.</p> <p><b><u>Delegation of Responsibility</u></b></p> <p><u>Duty to Report</u></p> <p>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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Who has been arrested or convicted of any crime that is graded a misdemeanor or felony.</li> <li>3. Against whom there are any allegations of sexual misconduct or sexual abuse or exploitation involving a child or student.</li> <li>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.</li> <li>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.</li> <li>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)</li> <li>7. 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.</li> </ol>	<p>24 P.S. 2070.9a</p> <p>Pol. 806</p>

<b>POLICY NO. 817.1 EDUCATOR MISCONDUCT</b>		
<b>Section 5</b>	<p>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.</p>	24 P.S. 2070.9a
	<p>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.</p>	24 P.S. 2070.9a
	<p>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.</p>	SC 111 24 P.S. 2070.9a Pol. 817
	<p>Failure to comply with the reporting requirements may result in professional disciplinary action.</p>	24 P.S. 2070.9c
	<p><b><u>Guidelines</u></b></p> <p><b><u>Investigation</u></b></p>	
	<p>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.</p>	24 P.S. 2070.11
	<p>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.</p>	24 P.S. 2070.11
<p>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</p>	24 P.S. 2070.11	

	<p style="text-align: center;"><b>POLICY NO. 817.1 EDUCATOR MISCONDUCT</b></p> <p>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.</p> <p><u>Title IX Sexual Harassment and Other Discrimination</u></p> <p>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.</p> <p><u>Confidentiality Agreements</u></p> <p>The District shall not enter into confidentiality or other agreements that interfere with the mandatory reporting requirement.</p> <p><u>Confidentiality</u></p> <p>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.</p> <p><u>Immunity</u></p> <p>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</p>	<p>Pol. 103, 104</p> <p>24 P.S. 2070.11</p> <p>24 P.S. 2070.17b</p> <p>24 P.S. 2070.17a</p>
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**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



KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 847

Section OPERATIONS

Title MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES

Adopted AUGUST 15, 2017

Last Revised \_\_\_\_\_

<p><b>Section 1</b></p>	<p style="text-align: center;"><b>POLICY NO. 847 MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES</b></p> <p><b><u>Authority</u></b></p> <p>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 <b>adults</b>. The term <b>adults</b> as used in this policy, does not include district students who perform services on a volunteer or compensated basis.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>SC 510</p>
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**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.

**Section 4**

**Guidelines**

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.

Pol. 818

**POLICY NO. 847  
MAINTAINING PROFESSIONAL ADULT/STUDENT  
BOUNDARIES**

Prohibited Conduct

*Romantic or Sexual Relationships -*

Adults shall be prohibited from dating, courting, or entering into or attempting to form a romantic or sexual relationship with any student enrolled in the District, regardless of the student's age. Students of any age are not legally capable of consenting to romantic or sexual interactions with adults.

18 Pa. C.S.A. Sec.  
3124.2  
24 P.S. Sec.  
2070.9f

Prohibited romantic or sexual interaction involving students includes, 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 ADULT/STUDENT  
BOUNDARIES**

11. Going to a student's home without a legitimate educational reason.
12. Taking a student on outings without prior notification to and approval from both the parent/guardian and the building principal.
13. Giving a student a ride alone in a vehicle in a nonemergency situation without prior notification to and approval from both the parent/guardian and the building principal.
14. Addressing students or permitting students to address adults with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.
15. Telling a student personal secrets or sharing personal secrets with a student.
16. For adults who are not guidance/counseling staff, psychologists, social workers or other adults with designated responsibilities to counsel students, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, the student should be referred to the appropriate school resource. An adult can listen and/or advocate for the student and assist the student with a referral to the appropriate counselor and continue to provide support as needed and appropriate.
17. Furnishing alcohol, drugs or tobacco to a student or being present where any student is consuming these substances.
18. Engaging in harassing or discriminatory conduct prohibited by other district policies or by state or federal law and regulations.

Pol. 103, 103.1, ~~248~~

**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.

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.

Pol. 815

**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.](#)

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.

Any certificated employee who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual

Pol. [103, 104](#)~~248~~

23 Pa. C.S.A. ~~See~~ 6311  
Pol. 806

24 P.S. Sec. 2070.9a

	<p style="text-align: center;"><b>POLICY NO. 847 MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES</b></p> <p>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, <a href="#">Title IX Coordinator</a> and his/her immediate supervisor, <a href="#">promptly but not later than</a> <del>within</del>-fifteen (15) days <del>of following</del> discovery of such misconduct.</p> <p>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.</p> <p>It is a violation of <a href="#">Board</a><del>this</del> 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.</p> <p><u>Investigation</u></p> <p><a href="#">The Title IX Coordinator shall promptly assess and address</a> <del>a</del> Allegations of inappropriate conduct <del>shall be promptly investigated</del> in accordance with the procedures <a href="#">for reports of discrimination or Title IX</a> <del>utilized for complaints of</del> sexual harassment.</p> <p>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 <a href="#">person making the</a> reporter or any witnesses. If as the result of an investigation any individual, including the reported adult, the <a href="#">person making the</a> reporter, or a witness is found to have <a href="#">knowingly</a> <del>intentionally</del> 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 <a href="#">Board</a> <del>district</del> policies. Obstruction includes, but is not limited to, violation of “no contact” orders given to the reported</p>	<p>Pol. <a href="#">103, 104</a>, 817.1</p> <p>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, <del>805.125</del>, 806 <a href="#">Pol. 103, 104</a></p> <p>Pol. <a href="#">103, 104</a> <del>248,</del> <del>848</del></p> <p><a href="#">Pol. 103, 104,</a> <a href="#">113.2, 218, 233,</a> <a href="#">817, 817.1</a></p>
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**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.

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.

Pol. [104](#), [817](#), [817.1](#)

	<p style="text-align: center;"><b>POLICY NO. 847</b> <b>MAINTAINING PROFESSIONAL ADULT/STUDENT</b> <b>BOUNDARIES</b></p> <p>Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.</p> <p>Title 18 Institutional Sexual Assault – 18 Pa. C.S.A. 3124.2</p> <p>Board Policy – 103, 104, 103.1, 113.2, <del>248</del>, 805.1, 806, 815, 817, 817.1 818, <del>825, 848</del></p>	
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KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 865

Section OPERATIONS

Title USE OF LIVESTREAM VIDEO ON DISTRICT PROPERTY

Adopted \_\_\_\_\_

Last Revised \_\_\_\_\_

	<b>POLICY NO. 865 USE OF LIVESTREAM VIDEO ON DISTRICT PROPERTY</b>	
<b>Section 1</b>	<b><u>Purpose</u></b>	
	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.	
<b>Section 2</b>	<b><u>Definition</u></b>	
	<b>Livestream video</b> , 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.	
<b>Section 3</b>	<b><u>Guidelines</u></b>	
	<b><u>Student Initiated Use of Livestream Video</u></b>	
	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.

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:

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.

17 U.S.C. 101 et seq

SC 1327, 1329

**POLICY NO. 865  
USE OF LIVESTREAM VIDEO ON DISTRICT  
PROPERTY**

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.

**POLICY NO. 865  
USE OF LIVESTREAM VIDEO ON DISTRICT  
PROPERTY**

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.



KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 255

Section PUPILS

Title EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE

Adopted \_\_\_\_\_

Last Revised \_\_\_\_\_

	<b>POLICY NO. 255 EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE</b>	
<b>Section 1</b>	<b><u>Authority</u></b>  To ensure the educational stability of children in foster care, the Board requires the District to collaborate with the local children and youth agency and other school districts.	20 U.S.C. 6311, 6312 42 U.S.C. 675
<b>Section 2</b>	<b><u>Definitions</u></b>  <b>Additional costs</b> means the difference between what the District spends to transport a resident student to their assigned school and the cost to transport a child in foster care to their school of origin.  <b>Foster care</b> means twenty-four (24) hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.	45 CFR 1355.20

**POLICY NO. 255  
EDUCATIONAL STABILITY FOR CHILDREN IN  
FOSTER CARE**

**School of origin** is the school in which a child is enrolled at the time of placement in foster care. If a child's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of the placement change.

**Section 3**

**Delegation of Responsibility**

The Board designates the Director of Pupil Services to serve as the District's point of contact for children in foster care.

The District's point of contact shall coordinate with:

1. Local children and youth agency to:
  - a. Establish formal mechanisms to ensure that the district is promptly notified when a child enters foster care or changes foster care placements.
  - b. Develop a protocol on how to make best interest determinations; and
  - c. Develop and coordinate transportation procedures.
2. Other school districts on issues of transfer of records, transportation and other inter-district activities.

20 U.S.C. 6311

**Section 4**

**Guidelines**

**Enrollment/Placement**

A child in foster care shall continue to be enrolled in their school of origin unless there is a determination that it is not in their best interest to attend the school of origin.

20 U.S.C. 6311

*Best Interest Determination -*

The best interest determination shall be made in accordance with federal and state laws and regulations, court orders, and established local procedures.

20 U.S.C. 6311

**POLICY NO. 255  
EDUCATIONAL STABILITY FOR CHILDREN IN  
FOSTER CARE**

In determining whether it is in a child’s best interest to remain in their school of origin, all factors relating to a child’s best interest shall be considered, including the appropriateness of the current educational setting and proximity of foster care placement.

20 U.S.C. 6311

Documentation related to the best interest determination shall be kept in the student’s education record.

*Enrollment -*

When a child in foster care is placed in the District and seeks enrollment in district schools, the District’s point of contact shall:

20 U.S.C. 6311  
Pol. 200

1. Ensure the child is immediately enrolled and attending school, even if the records normally required for enrollment pursuant to district policies are not available.
2. Immediately contact the school last attended by the child to obtain relevant academic and other records.

*Dispute Resolution -*

If a dispute arises over the appropriate school placement for a child in foster care, to the extent feasible and appropriate, the child shall remain in their school of origin, pending resolution of the dispute.

*Assignment -*

If the District is unable to determine the student's grade level due to missing or incomplete records, the District shall administer tests or utilize appropriate means to determine the student's assignment within the school.

Pol. 206

*Student Who Has Exited Foster Care -*

A student who exited foster care may be permitted to finish the school year in this District, if appropriate, without payment of tuition. However, the District shall not be responsible for the transportation to or from school of any student residing outside the school district boundaries.

Pol. 202

**POLICY NO. 255  
EDUCATIONAL STABILITY FOR CHILDREN IN  
FOSTER CARE**

Education Records

The District may disclose personally identifiable information from the education records of a student without written consent of the parent(s) or the eligible student if the disclosure is:

1. To comply with a court order authorizing the disclosure of education records in a case where a parent is a party to a proceeding involving child abuse or neglect or a dependency matter.
2. To an agency caseworker or other representative of a state or local child welfare agency, or tribal organization, who has the right to access a student's case plan, as defined and determined by the state or tribal organization, when such agency or organization is legally responsible, in accordance with state or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the state or tribal laws applicable to protecting the confidentiality of a student's education records.

20 U.S.C. 1232g  
Pol. 113.4, 216

Transportation

The District shall ensure that children in foster care needing transportation to their school of origin will promptly receive transportation in a cost-effective manner.

20 U.S.C. 6312  
Pol. 810

To ensure that transportation for children in foster care is provided, arranged, and funded, the District shall collaborate with the local children and youth agency to develop a local transportation plan.

20 U.S.C. 6312

**POLICY NO. 255  
EDUCATIONAL STABILITY FOR CHILDREN IN  
FOSTER CARE**

The transportation plan shall address the following:

20 U.S.C. 6312

1. The procedure the District and local children and youth agency will follow to:
  - a. Promptly provide transportation for children in foster care;
  - b. Promptly arrange transportation for children in foster care; and
  - c. Ensure transportation is funded in a cost-effective manner and in accordance with Section 475(4)(A) of the Social Security Act.

2. How transportation costs will be covered if additional costs are incurred. Options include:

20 U.S.C. 6312

- a. The local children and youth agency agrees to reimburse the District;
- b. The District agrees to pay for the cost;
- c. The District and the local children and youth agency agree to share the costs; or
- d. The District of origin, the District of current residence, and the placing children and youth agency agree to share the costs.

3. Dispute resolution procedures to ensure that any disagreements regarding the cost of transportation are resolved promptly and fairly, and do not impact a student's ability to remain in the school of origin during the dispute resolution process.

34 CFR 299.13

The District shall submit the local transportation plan, including any updates or revisions, to the Pennsylvania Department of Education.

**POLICY NO. 255  
EDUCATIONAL STABILITY FOR CHILDREN IN  
FOSTER CARE**

Transportation shall be provided to children in foster care in accordance with the local transportation plan regardless of whether transportation is provided to District students.

20 U.S.C. 6311,  
6312

Training

The District's point of contact for children in foster care shall provide professional development and training to school staff on the Title I foster care provisions and education needs of children in foster care, as needed.

References:

Every Student Succeeds Act – 20 U.S.C. Sec. 6311, 6312

Family Educational and Privacy Rights Act– 20 U.S.C. Sec. 1232g

Title 34, Education – 34 CFR Sec. 299.13

Title 42, Public Health and Welfare – 42 U.S.C. Sec. 675

Social Security Act – 45 CFR Sec. 1355.20

Board Policy – Pol. 113.4, 200, 202, 206, 216, 810

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 627

Section FINANCES

Title FEDERAL FISCAL COMPLIANCE

Adopted NOVEMBER 22, 2016

Last Revised \_\_\_\_\_

<b>POLICY NO. 627 FEDERAL FISCAL COMPLIANCE</b>		
<b>Section 1</b>	<p><b><u>Authority</u></b></p> <p>The Board shall ensure federal funds received by the District are administered in accordance with federal requirements, including but not limited to the federal Uniform Grant Guidance.</p> <p>The Board shall review and approve all applications for federal funds submitted by the District.</p>	2 CFR Part 200
<b>Section 2</b>	<p><b><u>Delegation of Responsibility</u></b></p> <p>The Board designates the Superintendent or his/her designee and the Federal Programs Coordinator as the District contact for all federal programs and funding.</p> <p>The Superintendent or designee, in collaboration with the Federal Programs Coordinator and <b>Director of Finance and Human Resources</b><del>Business Manager</del>, shall establish and maintain a sound financial management system to include internal controls and federal grant management standards covering the receipt of both direct and state-administered federal grants and to track costs and expenditures of funds associated with grant awards.</p> <p>The Superintendent, to assist in the proper administration of federal funds and implementation of this policy, may approve additional procedures as attachments to this policy.</p>	2 CFR Part 200

**POLICY NO. 627  
FEDERAL FISCAL COMPLIANCE**

**Section 3**

**Guidelines**

The District's financial management system shall be designed with strong internal controls, a high level of transparency and accountability, and documented procedures to ensure that all financial management system requirements are met.

Financial management standards and procedures shall assure that the following responsibilities are fulfilled:

1. Identification – the District must identify, in its accounts, all federal awards received and expended, and the federal programs under which they were received.
2. Financial Reporting – Accurate, current, and complete disclosure of the financial results of each federal award or program must be made in accordance with the financial reporting requirements of the Education Department General Administrative Regulations (EDGAR).
3. Accounting Records – the District must maintain records which adequately identify the source and application of funds provided for federally-assisted activities.
4. Internal Controls – Effective control and accountability, including segregation of duties, must be maintained for all funds, real and personal property and other assets. The District must adequately safeguard all such property and must assure that it is used solely for authorized purposes.
5. Budget Control – Actual expenditures or outlays must be compared with budgeted amounts for each federal award. Procedures shall be developed to establish determination for allowability of costs for federal funds.
6. Cash Management – The District shall maintain written procedures to implement the cash management requirements found in EDGAR.



<b>POLICY NO. 627 FEDERAL FISCAL COMPLIANCE</b>		
<p>7. Allowability of Costs – The District shall ensure that allowability of all costs charged to each federal award is accurately determined and documented.</p>		
<p><u>Standards of Conduct</u></p>		
<p>The District shall maintain standards of conduct covering conflicts of interest and the actions of employees and school officials engaged in the selection, award and administration of contracts.</p>		Pol. 623, 828
<p>All employees shall be informed of conduct that is required for federal fiscal compliance and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures.</p>		Pol. 817
<p><u>Employees – Time and Effort Reporting</u></p>		
<p>All District employees paid with federal funds shall document the time they expend in work performed in support of each federal program, in accordance with law. Time and effort reporting requirements do not apply to contracted individuals.</p>		2 CFR 200.430
<p>District employees shall be reimbursed for travel costs incurred in the course of performing services related to official business as a federal grant recipient.</p>		Pol. 627.1, 827
<p>The District shall establish and maintain employee policies and procedures on hiring, benefits and leave and outside activities, as approved by the Board. District procedures on payment of staff shall apply to employees paid with federal funds and shall include payment in extenuating or emergency conditions, in accordance with applicable law, regulations or emergency declarations by state or federal authorities.</p>		SC 1153 Pol. 319, <del>336, 337</del> , 419, 436, 519, <del>536</del> , <del>537</del> , 805, 812, 813, 837,- 838, 850
<p><u>Record Keeping</u></p>		
<p>The District shall develop and maintain a Records Management Plan and related Board policy and administrative regulations for the retention, retrieval and disposition of manual and electronic records, including emails.</p>		2 CFR 200.333- 200.337 Pol. 826

<b>POLICY NO. 627 FEDERAL FISCAL COMPLIANCE</b>		
<p>The District shall ensure the proper maintenance of federal fiscal records documenting:</p> <ol style="list-style-type: none"> <li>1. Amount of federal funds.</li> <li>2. How funds are used.</li> <li>3. Total cost of each project.</li> <li>4. Share of total cost of each project provided from other sources.</li> <li>5. Other records to facilitate an effective audit.</li> <li>6. Other records to show compliance with federal program requirements.</li> <li>7. Significant project experiences and results.</li> </ol> <p>All records must be retrievable and available for programmatic or financial audit.</p>	<p>Pol. 826 34 CFR 75.730-75.732, 76.730-76.731</p>	
<p>The District shall provide the federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, the right of access to any documents, papers, or other District records which are pertinent to the federal award. The District shall also permit timely and reasonable access to the District's personnel for the purpose of interview and discussion related to such documents.</p>	<p>2 CFR 200.336</p>	
<p>Records shall be retained for a minimum of five (5) years from the date on which the final Financial Status Report is submitted, or as otherwise specified in the requirements of the federal award, unless a written extension is provided by the awarding agency, cognizant agency for audit, oversight agency for audit or cognizant agency for indirect costs.</p>	<p>2 CFR 200.333</p>	
<p>If any litigation, claim or audit is started before the expiration of the standard record retention period, the records shall be retained until all litigation, claims or audits have been resolved and final action taken.</p>	<p>2 CFR 200.333</p>	

<b>POLICY NO. 627 FEDERAL FISCAL COMPLIANCE</b>		
<p>As part of the Records Management Plan, the District shall develop and maintain a records retention schedule, which shall delineate the record retention format, retention period and method of disposal.</p>		Pol. 826
<p>The Records Management Plan shall include identification of staff authorized to access records, appropriate training, and preservation measures to protect the integrity of records and data.</p>		Pol. 826
<p>The District shall ensure that all personally identifiable data protected by law or regulations is handled in accordance with the requirements of applicable law, regulations, Board policy and administrative regulations.</p>		Pol 113.4, 216, 324
<p><u>Subrecipient Monitoring</u></p>		
<p>In the event that the District awards subgrants, the District shall establish procedures to:</p> <ol style="list-style-type: none"> <li>1. Assess the risk of noncompliance.</li> <li>2. Monitor grant subrecipients to ensure compliance with federal, state, and local laws and Board policy and procedures.</li> <li>3. Ensure the District’s record retention schedule addresses document retention on assessment and monitoring.</li> </ol>		<p>2 CFR 200.330-200.331</p> <p>Pol. 826</p>
<p><u>Compliance Violations</u></p>		
<p>Employees and contractors involved in federally funded programs and subrecipients shall be made aware that failure to comply with federal law, regulations or terms and conditions of a federal award may result in the federal awarding agency or pass-through entity imposing additional conditions or terminating the award in whole or in part.</p>		2 CFR 200.338, 200.339

**POLICY NO. 627  
FEDERAL FISCAL COMPLIANCE**

References:

[School Code – 24 P.S. Sec. 1153](#)

Board Policy – 113.4, 216, ~~317~~, 319, 324, ~~336, 337, 417~~, 419, ~~436, 517~~, 519, ~~536, 537~~, 623, 627.1, 812, ~~805, 813, 817~~, 826, 827, 828, ~~837~~, 850

Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards – 2 CFR Part 200

Post Federal Award Requirements – 2 CFR 200.330-200.331, 200.333-200.337, 200.338, 200.339, 200.430

What Are the Administrative Responsibilities of a Grantee? – 34 CFR 75.730-75.732

What Are the Administrative Responsibilities of the State and Its Subgrantees? – 34 CFR 76.730-76.731

Type of Costs, Obligations and Property Management

**627-AR-1 – Administration of Federal Funds**  
**Type of Costs, Obligations and Property Management**

The District establishes and maintains Board policies, administrative regulations and procedures on administration of federal funds in federal programs as required by the Uniform Grant Guidance and other federal, state and local laws, regulations and requirements. The District's financial management system includes internal controls and grant management standards in the following areas.

Direct and Indirect Costs

**Direct costs** – costs that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

**Indirect costs** – costs incurred for a common or joint purpose benefiting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved.

Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs. (2 CFR Sec. 200.405, 200.413)

Identification with the federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs.

Direct and indirect costs shall be determined in accordance with law, regulations, the terms and conditions of the federal award, and the district's negotiated indirect cost rate.

The District shall develop an indirect cost rate proposal and cost allocation plan in accordance with law, regulations and the terms and conditions of the federal award.

Timely Obligation of Funds

**Obligations** – orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the District during the same or a future period.

Type of Costs, Obligations and Property Management

The following table illustrates when funds must be obligated under federal regulations:

<b>Obligation is for:</b>	<b>Obligation is made:</b>
Acquisition of property	On the date on which the District makes a binding written commitment to acquire the property
Personal services by a district employee	When the services are performed
Personal services by a contractor who is not a district employee	On the date on which the District makes a binding written commitment to obtain the services
Public utility services	When the District receives the services
Travel	When the travel occurs
Rental of property	When the District uses the property
A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 CFR Part 200, Subpart E - Cost Principles	On the first day of the project period

34 CFR §75.707; 34 CFR §76.707

All obligations must occur between the beginning and ending dates of the federal award project, which is known as the period of performance. The period of performance is dictated by law and regulations and will be indicated in the federal award. Specific requirements for carryover funds may be specified in the federal award and must be adhered to by the District. (2 CFR Sec. 200.77, 200.309)

The District will handle obligations and carry over of state-administered and direct grants in accordance with state and federal law and regulations, and the terms and conditions of the federal award. Carryover will be calculated and documented Director of ~~Fiscal Services~~ Finance and Human Resources and shared with the Federal Programs Coordinator and Superintendent or ~~their~~his/her designee.

The District may exercise an extension of the period of performance under a direct grant in accordance with law, regulations and the terms and conditions of the federal award when written notice is provided to the federal awarding agency at least ten (10) calendar days prior to the end of the period of performance. (2 CFR Sec. 200.308(d)(2))

Type of Costs, Obligations and Property Management

The Superintendent or his/her designee in collaboration with the Federal Programs Coordinator and Director of ~~Fiscal Services~~ Finance and Human Resources will decide when an extension of the period of performance is necessary and will recommend that the Board and/or Superintendent approve this process.

The Director of Finance and Human Resources ~~Fiscal Service~~ will develop the required written notice, including the reasons for the extension and revised period of performance; the notice will be issued no later than ten (10) calendar days prior to the end of the currently documented period of performance in the federal award.

The District must seek approval from the federal awarding agency for an extension of the period of performance when the extension is not contrary to federal law or regulations, and the following conditions apply:

1. The terms and conditions of the federal award prohibit the extension;
2. The extension requires additional federal funds; or
3. The extension involves any change in the approved objectives or scope of the project. (2 CFR Sec. §200.308)

The Superintendent or his/her designee, Federal Programs Coordinator, or the Director of ~~Fiscal Services~~ Finance and Human Resources will determine when an extension must be requested for approval by the federal awarding agency, draft the written request and notify the Superintendent and/or Board of the requested extension.

Management of Property Acquired With Federal Funds

*Contract and Purchasing Administration -*

The District maintains internal controls, administrative regulations and procedures to ensure that contractors deliver goods and services in accordance with the terms, conditions and specifications of the designated contract, purchase order or requisition.

*Property Classifications -*

Property shall be classified as **equipment, supplies, computing devices and capital assets** as defined and specified in accordance with law, regulations and Board policy. (Pol. 622)

Type of Costs, Obligations and Property Management

*Inventory Control/Management -*

All property purchased with federal funds, regardless of cost, will be inventoried as a safeguard.

Inventory will be received by the department or program requesting the item; designated staff will inspect the property, compare it to the applicable purchase order or requisition, and ensure it is appropriately logged and tagged in the district's property management system.

Items acquired will be physically labeled by source of funding and acquisition date.

Inventory records of equipment and computing devices must be current and available for review and audit, and include the following information:

1. Description of the item, including any manufacturer's model number.
2. Manufacturer's serial number or other identification number.
3. Identification of funding source.
4. Acquisition date and unit cost.
5. Source of items, such as company name.
6. Percentage of federal funds used in the purchase.
7. Present location, use, condition of item, and date information was reported.
8. Pertinent information on the ultimate transfer, replacement or disposition of the item and sale price of the property.

Inventory will be updated as items are sold, lost or stolen, or cannot be repaired, and new items are purchased.

*Physical Inventory -*

Physical inventory of property will be completed by designated district staff in accordance with applicable federal and state law and regulation and Board policy. (Pol. 622, 706)

The physical inventory of items will be conducted annually, and the results will be reconciled with the inventory records and reported to the federal awarding agency.



Type of Costs, Obligations and Property Management

*Maintenance -*

The District establishes adequate maintenance procedures to ensure that property is maintained in good condition in accordance with law, regulation and Board policy. (Pol. 704, 708, 710)

*Safeguards -*

The District ensures that adequate safeguards are in place to prevent loss, damage or theft of property:

1. Any loss, damage or theft will be reported to the Director of ~~Fiscal Services~~ Finance and Human Resources, and investigated and fully documented, and may be reported to local law enforcement.
2. If stolen items are not recovered, the District will submit copies of the investigative report and insurance claim to the federal awarding agency.
3. The District may be responsible for replacing or repairing lost, damaged, destroyed or stolen items.
4. Replaced equipment is property of the originally funded program and should be inventoried accordingly.
5. District property may only be loaned in accordance with Board policy and administrative regulations. (Pol. 707, 708, 710)

*Disposition of Property Acquired with Federal Funds –*

When the District determines that real property, including land, land improvements structures and accessories thereto, acquired under a federal award is no longer needed for the originally authorized purpose, the District must obtain disposition instructions from the federal awarding agency or pass-through entity administering the program, in accordance with applicable law and regulations. (2 CFR Sec. 200.311)

When the District determines that equipment or supplies acquired under a federal award are no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the Director of ~~Fiscal Services~~ Finance and Human Resources, in collaboration with the Superintendent and Federal Programs Coordinator, will

### Type of Costs, Obligations and Property Management

contact the federal awarding agency or pass-through entity administering the program to obtain disposition instructions, based on the fair market value of the equipment or supplies.

Generally, items with a fair market value of \$5,000 or less that are no longer effective may be retained, sold, purged, or transferred to the District. For items with a fair market value greater than \$5,000, the federal awarding agency is entitled to the federal share of the current market value or sales proceeds.

If the District will be replacing the equipment or supplies, the District may use the existing equipment or supplies as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

The Director of ~~Fiscal Services~~ Finance and Human Resources will be responsible for contacting the federal awarding agency and determining the process for disposition of equipment or supplies.

The District may use any of the following methods in disposing of unnecessary equipment or supplies acquired with federal funds:

1. Public auction and/or online sale – generally conducted by a licensed auctioneer.
2. Salvage – scrap sold to local dealers.
3. Negotiated sale – normally used when disposing of items of substantial value.
4. Sealed bid – normally used for items of substantial value or unique qualities.
5. Pre-priced sale – large quantities of obsolete or surplus equipment or supplies may be sold by this method.
6. Donation to charitable organizations, for equipment or supplies with little to no value.
7. Disposition to trash for equipment or supplies with no value.

The Director of ~~Fiscal Services~~ Finance and Human Resources will be responsible for maintaining records of obsolete and surplus property disposed of, and will report to the federal awarding agency when required.

## **627-AR-2 – Allowability of Costs – Federal Programs**

Expenditures must be aligned with approved budgeted items. Any changes or variations from the state-approved budget and grant application need prior approval from the state.

### **Delegation of Responsibility**

When determining how the School District will spend its grant funds, the Director of **Fiscal Services** Finance and Human Resources, in collaboration with the Federal Programs Coordinator, will review the proposed cost to determine whether it is an allowable use of federal grant funds *before* obligating and spending those funds on the proposed good or service.

### **Allowability Determinations**

All costs supported by federal education funds must meet the standards outlined in EDGAR, 2 CFR Part 3474 and 2 CFR Part 200, Subpart E, which are listed below. The Director of **Fiscal Services** Finance and Human Resources must consider these factors when making an allowability determination. A section entitled, *Helpful Questions for Determining Whether Costs are Allowable*, is located at the end of this document.

Part 200 sets forth general cost guidelines that must be considered, as well as rules for specific types of items, both of which must be considered when determining whether a cost is an allowable expenditure of federal funds. The expenditure must also be allowable under the applicable program statute (e.g., Title I of the Elementary and Secondary Education Act (ESEA), or the Carl D. Perkins Career and Technical Education Act (Perkins)), along with accompanying program regulations, non-regulatory guidance and grant award notifications.

Restrictions in state and local rules or policy also must be considered. For example, travel and other job-related expenses incurred by employees are not allowable unless they also are in compliance with Board policy and related administrative regulations.

Whichever allowability requirements are stricter will govern whether a cost is allowable.

General allowability determination factors include the following:

1. **Be Necessary and Reasonable for the performance of the federal award.** A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, **reasonable** means that sound business practices were followed, and purchases were comparable to market prices.

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When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the federal award.
- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state and other laws and regulations; and terms and conditions of the federal award.
- Market prices for comparable goods or services for the geographic area.
- Whether the individual incurring the cost acted with prudence in the circumstances considering responsibilities to the District, its employees, its students, the public at large, and the federal government.
- Whether the District significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the federal award's cost. (2 CFR Sec. 200.404)

Whether a cost is **necessary** will be determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the district can demonstrate that the cost addresses an existing need, and can prove it. For example, the school entity may deem a language skills software program necessary for a [Language Education Program](#)~~limited English proficiency program~~.

When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the federal award program.
  - Whether the cost is identified in the approved budget or application.
  - Whether there is an educational benefit associated with the cost.
  - Whether the cost aligns with identified needs based on results and findings from a needs assessment.
  - Whether the cost addresses program goals and objectives and is based on program data.
2. **Allocable to the federal award.** A cost is allocable to the federal award if the goods or services involved are chargeable or assignable to the federal award in accordance with the relative benefit received. This means that the federal grant program derived a benefit in proportion to the funds charged to the program. (2 CFR Sec. 200.405)

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For example, if fifty percent (50%) of a teacher’s salary is paid with grant funds, then that teacher must spend at least fifty percent (50%) of ~~their~~<sup>his/her</sup> time on the grant program.

3. **Consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the school entity.**
4. **Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the federal award.**
5. **Consistent treatment.** A cost cannot be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
6. **Adequately documented.** All expenditures must be properly documented.
7. **Be calculated in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in Part 200.**
8. **Not included as a match or cost-share, unless the specific federal program authorizes federal costs to be treated as such.** Some federal program statutes require the nonfederal entity to contribute a certain amount of nonfederal resources to be eligible for the federal program.
9. **Be the net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the state relate to the federal award, they shall be credited to the federal award, either as a cost reduction or a cash refund, as appropriate. (2 CFR Sec. 200.406)

**Selected Items of Cost**

Subpart E of Part 200 sets forth principles to be applied in establishing the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost), at 2 CFR Sec. 200.420-200.475. These specific cost items are listed in the chart below along with the citation to the section of Subpart E addressing the allowability of that item. These principles are in addition to the other general allowability standards, and apply whether or not a particular item of cost is properly treated as direct cost or indirect (F&A) cost. Meeting the specific criteria for a listed item does not by itself mean the cost is allowable, as it may be unallowable under other standards or for other reasons, such as restrictions contained in the terms and conditions of a particular grant or restrictions established by the state or in Board policy. If an item is unallowable for any of these reasons, federal funds cannot be used to purchase it.

School district personnel responsible for spending federal grant funds (Superintendent or ~~their~~<sup>his/her</sup> designee, Federal Programs Coordinator, and Director of ~~Fiscal Services~~ Finance and

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(Human Resources) and for determining allowability must be familiar with and refer to the Part 200 selected items of cost section. These rules must be followed when charging these specific expenditures to a federal grant. When applicable, employees must check costs against the selected items of cost requirements to ensure the cost is allowable, and also check state, district and program-specific rules.

The selected item of cost addressed in Part 200 includes the following (in alphabetical order):

<b>Item of Cost</b>	<b>Citation of Allowability Rule</b>
Advertising and public relations costs	2 CFR § 200.421
Advisory councils	2 CFR § 200.422
Alcoholic beverages	2 CFR § 200.423
Alumni/ae activities	2 CFR § 200.424
Audit services	2 CFR § 200.425
Bad debts	2 CFR § 200.426
Bonding costs	2 CFR § 200.427
Collection of improper payments	2 CFR § 200.428
Commencement and convocation costs	2 CFR § 200.429
Compensation – personal services	2 CFR § 200.430
Compensation – fringe benefits	2 CFR § 200.431
Conferences	2 CFR § 200.432
Contingency provisions	2 CFR § 200.433
Contributions and donations	2 CFR § 200.434
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435
Depreciation	2 CFR § 200.436
Employee health and welfare costs	2 CFR § 200.437
Entertainment costs	2 CFR § 200.438
Equipment and other capital expenditures	2 CFR § 200.439
Exchange rates	2 CFR § 200.440
Fines, penalties, damages and other settlements	2 CFR § 200.441
Fund raising and investment management costs	2 CFR § 200.442
Gains and losses on disposition of depreciable assets	2 CFR § 200.443
General costs of government	2 CFR § 200.444
Goods and services for personal use	2 CFR § 200.445
Idle facilities and idle capacity	2 CFR § 200.446
Insurance and indemnification	2 CFR § 200.447
Intellectual property	2 CFR § 200.448
Interest	2 CFR § 200.449
Lobbying	2 CFR § 200.450

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Losses on other awards or contracts	2 CFR § 200.451
Maintenance and repair costs	2 CFR § 200.452
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454
Organization costs	2 CFR § 200.455
Participant support costs	2 CFR § 200.456
Plant and security costs	2 CFR § 200.457
Pre-award costs	2 CFR § 200.458
Professional services costs	2 CFR § 200.459
Proposal costs	2 CFR § 200.460
Publication and printing costs	2 CFR § 200.461
Rearrangement and reconversion costs	2 CFR § 200.462
Recruiting costs	2 CFR § 200.463
Relocation costs of employees	2 CFR § 200.464
Rental costs of real property and equipment	2 CFR § 200.465
Scholarships and student aid costs	2 CFR § 200.466
Selling and marketing costs	2 CFR § 200.467
Specialized service facilities	2 CFR § 200.468
Student activity costs	2 CFR § 200.469
Taxes (including Value Added Tax)	2 CFR § 200.470
Termination costs	2 CFR § 200.471
Training and education costs	2 CFR § 200.472
Transportation costs	2 CFR § 200.473
Travel costs	2 CFR § 200.474
Trustees	2 CFR § 200.475

~~Likewise, it is possible for the State and/or District to put additional requirements on a specific item of cost. Under such circumstances, the stricter requirements must be met for a cost to be allowable. Accordingly, employees must consult federal, State and District requirements when spending federal funds. For example, often the State's travel rules are more restrictive than federal rules, which mean the State's policies must be followed. Policy No. 827: Travel Related Expense Reimbursement will be followed at all times.~~

~~In order for a cost to be allowable, the expenditure must also be allowable under the applicable program statute (e.g., Title I of the Elementary and Secondary Education Act (ESEA), or the Carl D. Perkins Career and Technical Education Act (Perkins)), along with accompanying program regulations, non-regulatory guidance and grant award notifications.~~

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~~The state and/or District rules related to some specific cost items are discussed below. District employees must be aware of these State and District rules and ensure they are complying with these requirements. The Director of Fiscal Services and the Federal Programs Coordinator will make employees aware of these rules.~~

*Helpful Questions for Determining Whether Costs are Allowable -*

In addition to applying the cost principles and standards described above, district staff involved in expending federal funds should ask the following questions when assessing the allowability of a particular cost:

1. Is the proposed cost allowable under the relevant program?
2. Is the proposed cost consistent with an approved program plan and budget?
3. Is the proposed cost consistent with program specific fiscal rules? For example, the school entity may be required to use federal funds only to supplement the amount of funds available from nonfederal (and possibly other federal) sources, or only as a match for funds from nonfederal sources.
4. Is the proposed cost consistent with EDGAR?
5. Is the proposed cost consistent with specific conditions imposed on the grant (if applicable)?
6. Is the proposed cost consistent with the underlying needs of the program? For example, program funds must benefit the appropriate population of students for which they are allocated. This means that, for instance, funds allocated under Title III of the Elementary and Secondary Education Act (ESEA) governing language instruction programs for **Limited English Learner Proficient (LELP)** students must only be spent on **LELP** students and cannot be used to benefit non-**LELP** students.
7. Will the cost be targeted at addressing specific areas of weakness that are the focus of the program, as indicated by available data?

Funds should be targeted to address areas of weakness, as necessary. To make this determination, the Director of ~~Fiscal Services~~ **Finance and Human Resources** should review data when making purchases to ensure that federal funds to meet these areas of concern.

Any questions related to specific costs should be forwarded to the Director of ~~Fiscal Services~~ **Finance and Human Resources** who shall consult with the school solicitor for clarification as appropriate.



## 627-AR-3 – Cash Management – Federal Programs

~~The District will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of funds and disbursement by the District, in accordance with the Cash Management Improvement Act at 31 CFR Part 205.~~ Generally, the District receives payment from the Pennsylvania Department of Education (PDE) on a reimbursement basis. In some circumstances, the District may receive an advance of federal grant funds. This attachment addresses responsibilities of the District and district staff under those alternative payment methods. In either case, the District shall maintain accounting methods and internal controls and procedures that assure those responsibilities are met.

### Payment Methods

#### Reimbursements -

The District will initially charge federal grant expenditures to nonfederal funds.

The Director of ~~Fiscal Services~~ Finance and Human Resources will request reimbursement for actual expenditures incurred under the federal grants quarterly ~~as requested by law~~.

Such requests shall be submitted with appropriate documentation and signed by the requestor.

Requests for reimbursements will be approved by the Director of ~~Fiscal Services~~ Finance and Human Resources.

~~Requests for R~~ reimbursement will be submitted on the appropriate form to the PDE portal. ~~and must contain the signature of the Director of Fiscal Services and the Administrator who is requesting the fund or who is overseeing the program for which the funds are being requested.~~

All reimbursements are based on actual disbursements, not on obligations. PDE will process reimbursement requests within the timeframes required for disbursement.

Consistent with state and federal requirements, the District will maintain source documentation supporting the federal expenditures (invoices, time sheets, payroll stubs, etc.) and will make such documentation available for PDE to review upon request.

Reimbursements of actual expenditures do not involve interest calculations.

**Advances -**

When the District receives advance payments of federal grant funds, it must minimize the time elapsing between the transfer of funds to the District and the expenditure of those funds on allowable costs of the applicable federal program. (2 CFR Sec. 200.305(b)) The District shall attempt to expend all advances of federal funds within seventy-two (72) hours of receipt.

When applicable, the District shall use existing resources available within a program before requesting additional advances. Such resources include program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds. (2 CFR Sec. 305(b)(5))

The District shall hold federal advance payments in insured, interest-bearing accounts, ~~unless an allowable exception applies. The District will begin to calculate interest earned on cash balances once funds are deposited into the District's account.~~

The District is permitted to retain for administrative expense up to \$500 per year of interest earned on federal grant cash balances. Regardless of the federal awarding agency, interest earnings exceeding \$500 per year shall be remitted annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. (2 CFR Sec. 200.305(b)(9))

Pursuant to federal guidelines, interest earnings shall be calculated from the date that the federal funds are drawn down from the G5 system until the date on which those funds are disbursed by the District. Consistent with state guidelines, interest accruing on total federal grant cash balances shall be calculated on cash balances per grant and applying the actual or average interest rate earned.

Remittance of interest shall be responsibility of the Director of ~~Fiscal Services~~ Finance and Human Resources.

## **627-AR-4 – Grant Subrecipient Monitoring Procedures – Federal Programs**

In the event the District disperses federal funds received through a federal award to other entities and assigns responsibilities to the outside entity to conduct a portion of the work, the District shall be responsible for determining, on a case-by-case basis, whether the agreement with such entity places the outside entity in the role of a subrecipient receiving a subaward of federal funding, or the role of a contractor.

If the District grants subawards of federal funding to other entities as subrecipients, the district shall be responsible for:

1. Evaluating the entity for risk of noncompliance to determine appropriate monitoring practices.
2. Monitoring the subrecipient entity's implementation to ensure compliance with federal, state and local laws, conditions of the federal funding award, and Board policy and procedures.
3. Notifying the subrecipient entity of identified deficiencies found during the monitoring process and ensuring that identified deficiencies are corrected.
4. Documenting and retaining records on subrecipient identification, notification, evaluation, monitoring and corrective actions taken.

### Definitions

For purposes of policies and procedures related to federal programs, the following definitions shall apply:

**Contract** – A legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term as used here does not include a legal instrument, even if the entity considers it a contract, when the substance of the transaction meets the definition of a federal program award or subaward. (2 CFR 200.22)

**Contractor** – An entity that receives a contract, as defined in law and regulations, by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. (2 CFR 200.23)

**Pass-through entity** – A non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program. The District serves as the pass-through entity in cases where it awards federal funding to a subrecipient as defined in this procedure. (2 CFR 200.74)

627 Federal Fiscal Compliance – Attachment – 627-AR-4 – Grant Subrecipient Monitoring Procedures – Federal Programs

**Subaward** – An award provided by a pass-through entity to a subrecipient in order to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract. (2 CFR 200.92)

**Subrecipient** – a non-federal entity that receives a subaward to carry out part of a federal program; but does not include an individual that is a beneficiary of such program. (A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.) (2 CFR 200.93)

Subrecipient Versus Contractor

The district must determine, on a case-by-case basis, whether an entity receiving funds from the district as part of a federal funding program serves in a role of subrecipient or contractor. (2 CFR 200.330)

The Director of ~~Fiscal Services~~ Finance and Human Resources, in collaboration with the Superintendent or ~~their~~his/her designee, and the Federal Programs Coordinator, shall be responsible for analyzing the criteria listed in the chart below and evaluating the relationship with the entity based on the substance of the legal agreement, rather than the form of the agreement. The Director of ~~Fiscal Services~~ Finance and Human Resources may consult with the school solicitor or other qualified counsel in making such determination.

Subrecipient	Contractor
Creates a Federal assistance relationship	Purpose is to obtain goods and services for the non-Federal entity’s own use and creates a procurement relationship
Determines who is eligible to receive what Federal assistance	Provides the goods and services within normal business operations
Has its performance measured in relation to whether objectives of a Federal program were met	Provides similar goods or services to many different purchasers
Has responsibility for programmatic decision making	Normally operates in a competitive environment
Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and	Provides goods or services that are ancillary to the operation of the Federal program; and
In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity (PTE)	Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons

\*chart provided by © American Institute of CPAs (AICPA)

627 Federal Fiscal Compliance – Attachment – 627-AR-4 – Grant Subrecipient Monitoring  
Procedures – Federal Programs

The District shall notify subrecipients that they have been identified as a subrecipient and that the funding qualifies as a subaward. The District shall provide the subrecipient with the following information as specified at 2 CFR Sec. 200.331(a) regarding the federal funding award, and any subsequent changes:

- 1) Federal Award Identification information, including:
  - (i) Subrecipient name (which must match the name associated with its unique entity identifier)
  - (ii) Subrecipient's unique entity identifier
  - (iii) Federal Award Identification Number (FAIN)
  - (iv) Federal Award Date (see §200.39 federal award date) of award to the recipient by the federal agency
  - (v) Subaward Period of Performance Start and End Date
  - (vi) Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient
  - (vii) Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation
  - (viii) Total Amount of the Federal Award committed to the subrecipient by the pass-through entity
  - (ix) Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA)
  - (x) Name of federal awarding agency, pass-through entity, and contact information for awarding official of the pass-through entity
  - (xi) CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each federal award and the CFDA number at time of disbursement
  - (xii) Identification of whether the award is R&D
  - (xiii) Indirect cost rate for the federal award (including if the de minimis rate is charged per §200.414 Indirect (F&A) costs)

627 Federal Fiscal Compliance – Attachment – 627-AR-4 – Grant Subrecipient Monitoring  
Procedures – Federal Programs

- 2) All requirements imposed by the pass-through entity on the subrecipient so that the federal award is used in accordance with federal statutes, regulations and the terms and conditions of the federal award.
- 3) Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the federal awarding agency including identification of any required financial and performance reports.
- 4) An approved federally recognized indirect cost rate negotiated between the subrecipient and the federal government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient (in compliance with this part), or a de minimis indirect cost rate as defined in §200.414 Indirect (F&A) costs, paragraph (f).
- 5) A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part.
- 6) Appropriate terms and conditions concerning closeout of the subaward.

Evaluation of Risk

The District shall evaluate each subrecipient's risk of noncompliance with law, regulations and the terms and conditions of the subaward to determine appropriate monitoring practices. (2 CFR 200.331)

The Director of ~~Fiscal Services~~ Finance and Human Resources, in collaboration with the Superintendent or ~~their~~his/her designee shall be responsible for evaluating risk based on the following factors:

1. The subrecipient's prior experience with the same or similar subawards.
2. The results of previous audits, including whether the subrecipient receives a single audit and the extent to which the same or similar subaward has been audited.
3. Whether the subrecipient has new personnel, or new or substantially changed systems and processes.
4. The extent and results of any federal award agency's monitoring of the subrecipient.

The Director of ~~Fiscal Services~~ Finance and Human Resources or designee shall request adequate documentation from the subrecipient to conduct the evaluation of risk; such documentation may include, but shall not be limited to:

1. audit reports

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2. financial reports
3. policies and procedures
4. detailed descriptions or users' guides of current systems and processes

The District shall evaluate subrecipients for risk of noncompliance annually or as specified in the legal agreement contract.

Based on the results of the risk evaluation, the District may consider imposing specific conditions on implementation of the subaward, in accordance with applicable law and regulations. (2 CFR 200.207, 200.331)

### Monitoring

The District shall monitor the implementation and activities of each subrecipient as necessary to ensure that the subaward is used for authorized purposes, in accordance with law, regulations and the terms and conditions of the subaward. The District shall notify subrecipients of monitoring requirements, and may provide technical assistance to subrecipients in complying with monitoring requirements.

As part of the monitoring process, the District shall complete the following steps: (2 CFR 200.331)

1. Review financial and performance reports required by the District.
2. Follow-up and ensure that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the subaward detected during monitoring through audits, on-site reviews and other means.
3. Issue a management decision for audit findings pertaining to the subaward provided to the subrecipient, in accordance with applicable law and regulations. (2 CFR 200.521)

### *Monitoring –*

The District shall be responsible for monitoring of subrecipients.

Monitoring activities may include, but shall not be limited to:

1. Review of progress reports, financial reports and data quality.
2. On-site visits.
3. Review of federal or state debarment lists.

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4. Review of other agreed-upon procedures specified in the legal agreement or contract. (2 CFR 200.425)

The District shall verify that subrecipients are audited as required by applicable law and regulations. (2 CFR 200.331, 2 CFR 200.500-200.521, Pol. 619)

*Follow-Up Actions –*

The Director of ~~Fiscal Services~~ Finance and Human Resources or designee shall provide subrecipients with written documentation detailing their monitoring results and listing any identified deficiencies. The District shall consider whether the results of monitoring indicate the need to revise existing district policy and procedures. (2 CFR 200.331)

The District shall require subrecipients to take immediate action on issues involving ineligible or illegal use of federal funding, and notify the district of corrective action taken.

The District shall require subrecipients to develop a corrective action plan to address other identified deficiencies or noncompliance issues; such plan shall be submitted to the District within 60 days or as specified in the agreed-upon procedures which delineate the process for no more than 60 days, and the District shall evaluate and monitor the activities taken by the subrecipient under the corrective action plan. The District may provide technical assistance and/or training to subrecipients in complying with corrective action requirements.

The Director of ~~Fiscal Services~~ Finance and Human Resources or designee shall maintain all documentation on monitoring of subrecipients and corrective action taken during the monitoring process.

The District shall report issues of noncompliance to the appropriate federal agency where required by law, regulations, or requirements of the federal funding program.

*Remedies for Noncompliance –*

When monitoring activities identify issues of noncompliance that are not addressed through corrective action, the District may take the following actions: (2 CFR 200.331, 200.338)

1. Impose specific conditions on the subrecipient, in accordance with applicable law and regulations. (2 CFR 200.207)
2. Temporarily withhold cash payments, in accordance with applicable law and regulations.
3. Disallow or deny use of funds for all or part of the cost of the activity or action not in compliance.
4. Wholly or partially suspend or terminate the agreement for the federal award.



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5. Recommend that the federal agency initiate suspension and debarment proceedings.
6. Withhold further awards or agreements for the project or program.
7. Take other remedies legally available, in consultation with the school solicitor or other qualified counsel.

Record Retention

The Director of ~~Fiscal Services~~ Finance and Human Resources, in collaboration with the Superintendent or ~~their~~his/her designee and Federal Programs Coordinator, shall ensure that all documentation regarding subrecipient identification, notification, evaluation, monitoring activities and corrective action is maintained in accordance with Board policy and procedures. (Pol. 800)

Records shall be retained in accordance with applicable law, regulations, specific requirements of the federal program and the district's records retention schedule. (2 CFR 200.333-200.337, Pol. 800)

## 627-AR-5 – Procurement – Federal Programs

This document is intended to integrate standard district purchasing procedures with additional requirements applicable to procurements that are subject to the federal Uniform Grant Guidance regulations and/or U.S. Department of Agriculture (USDA) regulations governing school food service programs. The District maintains the following purchasing procedures, in accordance with federal and state laws, regulations and Board policy. (2 CFR 200.318-200.325; 7 CFR 210.16, 210.19, 210.21, 215.14a, 220.16; 24 P.S. 120, 24 P.S. 504, 24 P.S. 508, 24 P.S. 521, 24 P.S. 607, 24 P.S. 609, 24 P.S. 751, 24 P.S. 807.1; 62 Pa. C.S.A. 4601 et seq; Pol. 610, 611, 612, 613, 808)

### Responsibility for Purchasing

The Board has outlined standard district purchasing responsibility, methods of purchasing, price quotations and bid requirements in the following Board policies and their accompanying administrative regulations or procedures:

- Policy 610. Purchases Subject to Bid/Quotation
- Policy 611. Purchases Budgeted
- Policy 612. Purchases Not Budgeted
- Policy 613. Cooperative Purchasing

The following individuals have authority to initiate purchases:

- Superintendent
- Director of **Finance and Human Resources**~~Fiscal Services~~
- Director of Curriculum, Instruction, Assessment and Staff Development
- Director of Technology
- **Director** ~~Supervisor~~ of Special Education
- **Director** ~~Supervisor~~ of Pupil Services
- Director of Buildings, Grounds and Transportation
- Director of Food Services
- Coordinator of Communications and Public Relations
- Principals
- Athletic Director

These individuals have the authority to delegate purchasing authority to responsible individuals whom they supervise, only after consultation with the Superintendent and/or Director of **Finance and Human Resources**~~Fiscal Services~~.

The Business Office is responsible for processing contracts/purchase orders as designated by the Superintendent and the Board of School Directors.

A list of authorized users shall be maintained in the Business Office and shall include the employees in designated positions.

All purchases shall be supervised and monitored on a regular basis by the Director of [Finance and Human Resources](#)~~Fiscal Services~~, who shall ensure the use of funds is in accordance with the funds budgeted for this purpose.

All purchases shall be in compliance with state and local procurement rules and thresholds.

### **Purchase Methods**

When a request for purchase of equipment, supplies or services has been submitted and approved as outlined below, the procurement method to be used will be determined based on the total cost of the purchase as further outlined below. This procedure outlines how the cost thresholds for determining when the quote or formal bidding procedures that are required by state law as reflected in Policy 610 must be modified when making purchases for federally funded purposes to which the Uniform Grant Guidance or USDA regulations apply, so as to comply with both state and federal requirements. At each point where requirements for food service-related procurement under USDA regulations differ, a note will refer to the Food Service Program Notes at the end of this procedure. Final determination of which purchasing procedures are to be applied is delegated to the Director of [Finance and Human Resources](#)~~Fiscal Services~~, under the authority of the Board.

#### **Standard Procurement Documents and Purchase Request Process**

Purchases will be completed using a requisition through the District’s Financial Information System or through the use of a procurement card (see Policy 625 for usage of such card). The requisition will then be converted to a purchase order, which is to be used for payment. In the event a procurement card is used, prior authorization must be given by the Director of [Finance and Human Resources](#)~~Fiscal Services~~.

No purchase requests will be honored unless made on a District-approved requisition form that has the necessary approval or through a procurement card that has prior approval from the Superintendent and the Director of [Finance and Human Resources](#)~~Fiscal Services~~.

The District shall use requisitions or purchase requests in accordance with the applicable purchase method.

The District shall use paper/electronic purchasing records, which are pre-numbered and are accessible to designated purchasing staff in the Business Office and school building offices.

Purchase requests by an employee must be submitted to the building administrator or immediate supervisor. Purchase of all budgeted items or items approved by an administrator or supervisor must be initiated by use of a purchase order or requisition submitted to the Director of [Finance and Human Resources](#)~~Fiscal Services~~.

Purchase orders and requisitions shall contain information including, but not limited to:

1. Description of the services to be performed or goods to be delivered.
2. Location of where services will be performed or goods will be delivered.
3. Appropriate dates of service or delivery.

Documentation on purchase orders and requisitions shall be maintained in accordance with the district's Records Management Policy and records retention schedule. (Pol. 800)

Contracts shall be reviewed by the Superintendent and Solicitor prior to submission to the Board for approval.

Contracts to which the Uniform Grant Guidance apply shall contain the clauses specified in Appendix II to 2 CFR Part 200 (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards), when applicable.

#### Micro-Purchases Not Requiring Quotes or Bidding (up to \$3,500)

For purposes of this procedure, **micro-purchase** means a purchase of equipment, supplies or services for use in federally funded programs using simplified acquisition procedures, the aggregate amount of which does not exceed a base amount of \$3,500. The micro-purchase dollar threshold is adjusted periodically by the federal government, and the threshold most recently established and published in the Federal Register shall apply if other than \$3,500.(48 CFR Subpart 2.1)

**Note: The micro-purchase maximum for federal purposes is lower than the amount below which the School Code and Board policy (Pol. 610) allows purchase for nonfederal purposes to be made without obtaining at least three (3) written or telephonic quotes or using formal competitive bidding.**

The micro-purchase method is used in order to expedite the completion of its lowest dollar small purchase transactions and minimize the associated administrative burden and cost. Procurement by micro-purchase is the acquisition of equipment, supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold.

To the extent practicable, the District distributes micro-purchases equitably among qualified suppliers when the same or materially interchangeable products are identified and such suppliers offer effectively equivalent rates, prices and other terms. The Director of [Finance and Human Resources](#) ~~Fiscal Services~~ will be responsible to determine the equitable distribution of micro-purchases.

Micro-purchases may be awarded without soliciting competitive quotations if the District considers the price to be reasonable. The District will maintain evidence of this reasonableness in the records of all micro-purchases. **Reasonable** means that sound business practices were followed and the purchase is comparable to market prices for the geographic area. Such

determinations of reasonableness may include comparison of the price to previous purchases of the same item or comparison of the price of items similar to the item being purchased. See additional guidelines for reasonableness in 627-AR-2 Allowability of Costs.

Even if the cost of a purchase qualifies it as a micro-purchase, bidding or small purchase procedures may be used optionally when those procedures may result in cost savings.

#### Small Purchase Procedures (between \$3,500 and ~~\$21,000~~\$19,400)

For purposes of this procedure, **small purchase procedures** are those relatively simple and informal procurement methods for securing equipment, services, or supplies that cost more than the amount qualifying as a micro-purchase and do not cost ~~\$21,000~~\$19,400 or more. Small purchase procedures cannot be used for purchases of equipment or supplies or for construction, repair or maintenance services costing ~~\$21,000~~\$19,400 or more because the School Code requires formal competitive bidding at that level of cost.

The base amount at which bidding is required under state law is adjusted for inflation annually, and the amount most recently established and published in the Pennsylvania Bulletin shall apply if other than ~~\$21,000~~\$19,400. (24 P.S. Sec. 120)

Because state law does not require bidding for the purchase of services other than construction, maintenance or repairs on school facilities regardless of total cost, small purchase procedures, including a request for proposal (RFP) procedure, may be used for procurement of such other services except when the estimated total cost will be at or over the federal threshold at which formal competitive bidding is required (\$150,000) or as specified in Board policy (Pol. 610) or state law.

If small purchase procedures are used, written or telephonic price or rate quotations are obtained from at least three (3) qualified sources and records of quotes are maintained as provided in Policy 610. (Pol. 610)

#### Formal Competitive Bidding (~~\$21,000~~\$19,400 or more)

##### **Publicly Solicited Sealed Competitive Bids:**

For purchases of equipment or supplies, or of services for construction, maintenance or repairs of school facilities, sealed competitive bids are publicly solicited and awarded to the lowest responsive and responsible bidder as provided in Policy 610 when the total cost is estimated to be ~~\$21,000~~\$19,400 or more. (Pol. 610)

State law does not require bidding for the purchase of services other than construction, maintenance or repairs on school facilities regardless of total cost. For procurement of such other services for federally funded purposes to which the Uniform Grant Guidance applies, formal competitive bidding will be used when the estimated total cost will be at or over the federal threshold of \$150,000 or as specified in Board policy (Pol. 610) or state law.

The federal competitive bidding dollar threshold is adjusted periodically by the federal government, and the threshold most recently established and published in the Federal Register shall apply if other than \$150,000. (48 CFR Subpart 2.1)

Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. Any or all bids may be rejected if there is a sound documented reason.

The sealed bid method is the preferred method for procuring construction, if the following conditions apply:

- A complete, adequate, and realistic specification or purchase description is available.
- Two or more responsible bidders are willing and able to compete effectively for the business.
- The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

- Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for state, local, and tribal governments, the invitation for bids must be publically advertised.
- The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond.
- All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly.
- A firm fixed price contract award must be made in writing to the lowest responsive and responsible bidder.
- Any other requirements as specified in Board Policy 610.

### Competitive Proposals

State law does not require public school entities to solicit competitive bids for services other than construction, repairs or maintenance of school facilities, for which competitive bidding is required if the cost will be a base amount as determined by state law. State law allows

competitive proposals relating to work on facilities in lieu of bidding only in the context of guaranteed energy savings contracts.

Federal regulations allow the use of competitive proposals as an alternative when formal bidding would otherwise be required only to procure architectural and engineering services. Other types of services for federally funded purposes to which the Uniform Grant Guidance applies, professional or otherwise, must be procured using competitive bidding when the cost would meet or exceed the federal threshold for competitive bidding (\$150,000).

In the case of services other than for construction, repairs or maintenance of school facilities costing less than that threshold, the District may use small purchase procedures or micro-purchase procedures as applicable based on total cost. A request for proposal (RFP) process can also meet or exceed the small purchase competition requirements under state law and Policy 610 for the acquisition of services other than for construction, repairs or maintenance of school facilities, and can be used if the total cost will be less than \$150,000.

When permitted, the technique of competitive proposals is normally conducted with more than one (1) source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. Competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The District shall comply with other applicable state and federal law and regulations, Board policy and administrative regulations regarding purchasing; the District may consult with the school solicitor or other qualified counsel in determining the required process for purchasing through competitive proposals when necessary.

If this method is used, the following requirements apply:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.
2. Proposals must be solicited from an adequate number of qualified sources.
3. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

Competitive proposals shall be evaluated by the Superintendent, Solicitor and Board based on factors which may include but not limited to:

1. Cost.
2. Experience of contractor.
3. Availability.
4. Personnel qualifications.

5. Financial stability.
6. Minority business, women’s business enterprise, or labor surplus area firm status.
7. Project management expertise.
8. Understanding of district needs.

Evaluations shall be completed in a timely manner, documented and shall be reviewed by the Superintendent.

**Contract/Price Analysis:**

The district performs a cost or price analysis in connection with every procurement action. (2 CFR Sec. 200.323(a)).

A **cost analysis** generally means evaluating the separate cost elements that make up the total price, while a **price analysis** means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Director of ~~Finance and Human Resources~~ ~~Fiscal Services~~ must come to an independent estimate prior to receiving bids or proposals. (2 CFR Sec. 200.323(a)). As part of the analysis, the Director of ~~Finance and Human Resources~~ ~~Fiscal Services~~ will enact established business practices which may include evaluation of similar prior procurements and a review process.

When performing a cost analysis, the Director of ~~Finance and Human Resources~~ ~~Fiscal Services~~ negotiates profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor’s investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. (2 CFR Sec. 200.323(b)).

Noncompetitive Proposals (Sole Sourcing)

**Procurement by noncompetitive proposals** means procurement through solicitation of a proposal from only one (1) source and may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source.
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. An **emergency** exists whenever the time required for the Board to



act in accordance with regular procedures would endanger life or property or threaten continuance of existing school classes.

3. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District.
4. After solicitation of a number of sources, the District determines the competition is inadequate.

At all possible, the District will refrain from using such a method. However, there will be times, as mentioned above, when such method will be necessary. In the event this is the method of procurement, then the Superintendent, along with the Director of [Finance and Human Resources](#) ~~Fiscal Services~~, will require a written statement from the purchaser indicating the circumstances in which the product/service is being purchased under these conditions. This may include written confirmation from the contractor as the sole source of the item. Documentation must be submitted to and maintained by the Business Office.

The District may utilize legal advice from the solicitor regarding noncompetitive proposals.

A cost or price analysis will be performed for all noncompetitive proposals.

### **Purchase Cards**

The district approves the use of procurement cards for permissible purchases by designated employees to improve the efficiency of purchasing activities, reduce processing expenses, improve controls for small-dollar purchases, and streamline contractor payment.

Procurement cards may be used for purchases under federal programs. The use of procurement cards is governed by Board policy 625 Procurement Cards and established administrative regulations. (Pol. 625)

### **Full and Open Competition**

All procurement transactions must be conducted in a manner providing full and open competition consistent with 2 CFR Sec. 200.319. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

1. Placing unreasonable requirements on firms in order for them to qualify to do business.
2. Requiring unnecessary experience and excessive bonding.
3. Noncompetitive pricing practices between firms or between affiliated companies.

4. Noncompetitive contracts to consultants that are on retainer contracts.
5. Organizational conflicts of interest.
6. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement.
7. Any arbitrary action in the procurement process.

EDGAR further requires the following to ensure adequate competition.

### **Minority Businesses, Women’s Business Enterprises, Labor Surplus Area Firms**

The District must take necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include: (2 CFR Sec. 200.321)

1. Placing qualified small and minority business and women’s business enterprises on solicitation lists.
2. Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources.
3. Dividing total purchasing requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business and women’s business enterprises.
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women’s business enterprises.
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
6. Requiring the prime contractor, if subcontracts are let, to take the affirmative steps listed above.

### **Geographical Preferences Prohibited**

The District must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an

appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

### **Prequalified Lists**

The District must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the District must not preclude potential bidders from qualifying during the solicitation period.

### **Solicitation Language**

The District must ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

### **Avoiding Acquisition of Unnecessary or Duplicative Items**

The District must avoid the acquisition of unnecessary or duplicative items. Additionally, consideration must be given to consolidating or breaking out procurements to obtain a more economical purchase; and, where appropriate, an analysis must be made of leases versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

These considerations are given as part of the process to determine the allowability of each purchase made with federal funds. Such considerations are accessible in the attachment 627-AR-2 Allowability of Costs – Federal Programs.

### **Use of Intergovernmental Agreements and Cooperative Purchasing**

To foster greater economy and efficiency, the District enters into state and local intergovernmental agreements where appropriate for cooperative purchasing or use of common or shared goods and services, as permitted by the Intergovernmental Cooperation Act and the Commonwealth Procurement Code. (Pol. 613; 53 Pa. C.S. Ch. 23; 62 Pa. C.S. Ch. 19)

When procuring supplies or services for federally funded purposes to which the Uniform Grant Guidance applies, the District shall verify that the organization conducting the procurement pursuant to such agreements complies with the applicable requirements and standards of the Uniform Grant Guidance as outlined in this procedure.

### **Use of Federal Excess and Surplus Property**

The District considers the use of federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

### **Debarment and Suspension**

The District awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

The District may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$25,000 the District verifies that the contractor with whom the District intends to do business is not excluded or disqualified. (2 CFR Part 200, Appendix II, and 2 CFR Sec. 180.220 and 180.300).

All successful contractors must provide written certification that they have not been suspended or debarred from federal projects. The Director of [Finance and Human Resources](#) ~~Fiscal Services~~ will be responsible for verification. Such verification may include accessing the online federal System for Award Management (SAM) to determine whether any relevant party is subject to any suspension or debarment restrictions.

### **Maintenance of Procurement Records**

The District must maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.

Maintenance of records of procurement will be governed by Board policy 800 Records Management and established administrative regulations. (Pol. 800)

### **Time and Materials Contracts**

The District may use a time and materials type contract only: (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. **Time and materials type contract** means a contract whose cost to the District is the sum of: the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the district must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

### **Settlements of Issues Arising Out of Procurements**

The District alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the District of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

### **Protest Procedures to Resolve Dispute**

The District maintains protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency. Protest procedures will be acted on in accordance with current state law and regulations, established district administrative regulations and the advice of the solicitor. (Pol. 610)

### **Food Service Program Notes:**

#### *Exemption from Bidding for Perishable Food Items -*

The School Code exempts purchases of perishable food items from bidding requirements. Bidding for perishable food items is required only if the cost would be at or over the federal threshold at which formal competitive bidding is required (\$150,000). Small purchase procedures may be used for purchases below \$150,000, or micro-purchase procedures for purchases below \$3,500. Use of bidding should be considered as an option if it is feasible and likely to result in cost savings.(24 P.S. Sec. 504(d))

#### *Geographic Preferences -*

The District is permitted to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products. When a geographic preference is applied, the district has discretion to determine the local area to which the geographic preference option will be applied.

**Unprocessed locally grown or locally raised agricultural products** means only those agricultural products that retain their inherent character. The effects of the following food handling and preservation techniques shall not be considered as changing an agricultural product into a product of a different kind or character: cooling; refrigerating; freezing; size adjustment

made by peeling, slicing, dicing, cutting, chopping, shucking, and grinding; forming ground products into patties without any additives or fillers; drying/dehydration; washing; packaging (such as placing eggs in cartons), vacuum packing and bagging (such as placing vegetables in bags or combining two (2) or more types of vegetables or fruits in a single package); the addition of ascorbic acid or other preservatives to prevent oxidation of produce; butchering livestock and poultry; cleaning fish; and the pasteurization of milk. (7 CFR Sec. 210.21, 215.14a, 220.16)

*Buy American -*

The District shall purchase, to the maximum extent practicable, domestic commodities or products for food service purposes. The term **domestic commodity or product** means: (7 CFR Sec. 210.21, 220.16)

1. An agricultural commodity that is produced in the United States; and
2. A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

*Mandatory Contract Clauses -*

The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts: (7 CFR Sec. 210.21, 215.14a, 220.16)

1. Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority.
2. (a) The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account) or  
  
(b) The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification.
3. The contractor's determination of its allowable costs must be made in compliance with the applicable departmental and program regulations and Office of Management and Budget cost circulars.
4. The contractor must identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable

credits, the nature of the credit. If approved by the state agency, the school food authority may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually.

5. The contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract.
6. The contractor must maintain documentation of costs and discounts, rebates and other applicable credits, and must furnish such documentation upon request to the school food authority, the state agency, or the department.

*Contracts with Food Service Management Companies -*

Procedures for selecting and contracting with a food service management company (FSMC) shall comply with guidance provided by the Pennsylvania Department of Education, Division of Food and Nutrition, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts. (7 CFR Sec. 210.16, 210.19, 210.21, 215.14a, 220.16)

*Pre-Plated Meals -*

Procedures for selecting and contracting with contractors of pre-plated meals shall comply with guidance provided by the Pennsylvania Department of Education, Division of Food and Nutrition, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts. (7 CFR Sec. 210.16, 210.19, 210.21, 220.16)

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 808

Section OPERATIONS

Title FOOD SERVICES

Adopted AUGUST 21, 1989

Last Revised JUNE 19, 2018;  
AUGUST 16, 2016;  
NOVEMBER 21, 2013;  
MARCH 19, 2001

<b>POLICY NO. 808 FOOD SERVICES</b>	
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>The Board recognizes that students require adequate, nourishing food and beverages in order to grow, learn and maintain good health. The Board directs that students shall be provided with adequate space and time to eat meals during the school day.</p>
<b>Section 2</b>	<p><b><u>Authority</u></b></p> <p>The food service program shall be operated in compliance with all applicable state and federal laws and regulations, as well as federal guidelines established by the Child Nutrition Division of the United States Department of Agriculture (USDA).</p> <p>The District shall ensure that, in the operation of the food service program, no student, staff member, or other individual shall be discriminated against 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.</p>

2 CFR Part 200  
SC 504, 807.1,  
1335, 1337  
42 U.S.C. 1751 et  
seq., 1773  
7 CFR Part 210,  
215, 220

FNS Instruction  
113-1 (USDA)  
7 CFR 210.23  
Pol. 103, 103.1



	<p style="text-align: center;"><b>POLICY NO. 808</b> <b>FOOD SERVICES</b></p>	
	<p>Food sold by the school may be purchased by students and district employees, but only for consumption on school premises or on school-sponsored field trips. The price charged to students shall be established annually by the District in compliance with state and federal laws.</p>	<p>SC 504 42 U.S.C. 1760</p>
	<p>Non-program food shall be priced to generate sufficient revenues to cover the cost of such items. A <b>non-program food</b> shall be defined as a food or beverage, other than a reimbursable meal or snack, which is sold at the school and is purchased using funds from the child nutrition account. <b>Non-program foods</b> include, but are not limited to adult meals and a-la-carte items. All revenue from the sale of non-program food shall accrue to the child nutrition program account.</p>	<p>42 U.S.C. 1760 7 CFR 210.14</p>
<p><b>Section 3</b></p>	<p><b><u>Delegation of Responsibility</u></b></p> <p>The operation and supervision of the food services program shall be the responsibility of the Director of Food Services. The Director of Food Services is responsible for maintaining and monitoring charge records and notifying the parents/guardians of outstanding balances by means of phone calls and messages, written documentation, or any other reasonable means of communication.</p>	
	<p>The Business Manager shall present to the Board each month for its approval a statement of receipts and expenditures for cafeteria funds.</p>	<p>SC 504</p>
	<p>The cafeterias are to be operated on a nonprofit basis. A periodic review of the cafeteria accounts shall be made by the Business Manager monthly and the auditor.</p>	<p>SC 504, 1337</p>
	<p>The Director of Food Services shall ensure that school meals meet the standards required by the School Breakfast Program, the National School Lunch Program and the Special Milk Program.</p>	<p>SC 504, 1335, 1337 42 U.S.C. 1751 et seq., 1773 7 CFR Part 210, 215, 220</p>
	<p>The Superintendent or designee shall comply with state and federal requirements for conducting cafeteria health and safety inspections and ensuring employee participation in inspection services and training programs.</p>	<p>3 Pa. C.S.A. 5713 42 U.S.C. 1758(h) 7 CFR 210.13, 210.31</p>

<p><b>Section 4</b></p>	<p style="text-align: center;"><b>POLICY NO. 808 FOOD SERVICES</b></p> <p>The Superintendent or designee shall develop and disseminate administrative regulations to implement this policy.</p> <p>The Superintendent or designee shall annually notify students, parents/guardians, and employees concerning the contents of this policy and applicable administrative regulations. Notification shall include information related to nondiscrimination.</p> <p><b><u>Guidelines</u></b></p>	<p>FNS Instruction 113-1 (USDA)</p>
	<p>To reinforce the District’s commitment to nutrition and student wellness, foods served in school cafeterias shall:</p> <ol style="list-style-type: none"> <li>1. Be carefully selected to contribute to students’ nutritional well-being and health.</li> <li>2. Meet the nutritional standards specified in laws and regulations and approved by the Board.</li> <li>3. Be prepared by methods that will retain nutritive quality, appeal to students, and foster lifelong healthy eating habits.</li> <li>4. Be served in age-appropriate quantities, at reasonable prices.</li> <li>5. The District shall use USDA Foods for school menus available under the Child Nutrition USDA Foods Programs.</li> </ol>	<p>Pol. 246</p>
	<p>All funds derived from the operation, maintenance or sponsorship of the food service program shall be deposited in the Food Service Account, a special bank account, in the same manner as other funds belonging to the School District. Such funds shall be expended in the manner approved and directed by the Board, but no amount shall be transferred from the Food Services Account to any other account or fund; however, district advances to the food services program may be returned to the district’s general fund from any surplus resulting from its operation.</p>	<p>SC 504</p>

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<p>Surplus accounts shall be used only for the improvement and maintenance of the cafeteria.</p> <p><u>Procurement</u></p> <p>Procurement of goods or services for the food service program shall meet the requirements of applicable law, regulations and Board policy and procedures.</p> <p><u>Free/Reduced-Price School Meals and Free Milk</u></p> <p>The District shall provide free and reduced-price school meals and/or free milk to students in accordance with the terms and conditions of the National School Lunch Program, the School Breakfast Program, and the Special Milk Program.</p> <p>The District shall conduct direct certification three (3) times per year using the Pennsylvania Student Eligibility System (PA-SES) to identify students who are eligible for free school meal benefits without the need for submission of a household application. Direct certification shall be conducted:</p> <ol style="list-style-type: none"> <li>1. At or around the beginning of the school year.</li> <li>2. Three (3) months after the initial effort.</li> <li>3. Six (6) months after the initial effort.</li> </ol> <p>The District may also conduct direct certification on a weekly or monthly basis.</p> <p><u>Accommodating Students With Special Dietary Needs</u></p> <p>The District shall make appropriate food service and/or meal accommodations to students with special dietary needs in accordance with applicable law, regulations and Board policy.</p> <p><u>School Food Safety Inspections</u></p> <p>The District shall obtain two (2) safety inspections per year in accordance with local, state, and federal laws and regulations.</p>	<p>SC 504</p> <p>Pol. 610, 626, 828</p> <p>42 U.S.C. 1758 7 CFR Part 245</p> <p>42 U.S.C. 1758 7 CFR Part 245</p> <p>7 CFR 15b.40 Pol. 103.1, 113, 209.1</p> <p>42 U.S.C. 1758(h) 7 CFR 210.13, 220.7</p>

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The District shall post the most recent inspection report and release a copy of the report to members of the public, upon request.

School Food Safety Program

The District shall comply with federal requirements in developing a food safety program that enables district schools to take systematic action to prevent or minimize the risk of foodborne illness among students.

7 CFR Part 210, 220  
42 U.S.C. 1758(h)

The District shall maintain proper sanitation and health standards in food storage, preparation and service, in accordance with applicable state and local laws and regulations and federal food safety requirements.

7 CFR 210.9, 210.13, 220.7

Professional Standards for Food Service Personnel

The District shall comply with the professional standards for school food service personnel who manage and operate the National School Lunch and School Breakfast Programs. For purposes of this policy, **professional standards** include hiring standards for new food service program directors and annual continuing education/training for all individuals involved in the operation and administration of school meal programs. Such professional standards shall apply to both district-operated food service programs and contracted food service programs.

42 U.S.C. 1751 et seq., 1773  
7 CFR 210.31, 210.15

School Meal ~~Service~~Charges and Accounts

To ensure the effective operation of the District's food service program and delivery of school food program meals to students, the District shall:

1. Assign individual school meal accounts to each student for the purchase of meals served in school cafeterias, which ensure that the identity of each student is protected.

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<p>2. Notify parents/guardians when the student’s school meal account reaches a low balance.</p> <p>3. Notify parent/guardians when the student’s school meal account reaches a negative balance. The notice shall include information on payment options.</p> <p>4. Provide a school food program meal to each student who does not have the money to pay for the school food program meal or who has a negative balance in <del>their</del><del>his/her</del> school meal account, <b>except as provided below or when,</b> <del>unless</del> the student’s parent/guardian has specifically provided written notice to the District to withhold a school food program meal or to withhold select categories of food items.</p> <p><del>4.</del> If a student is not eligible for free or reduced-price school meals under federal school meal programs and the student's school meal account reaches a negative balance of more than fifty dollars (\$50) in a school year, the District may provide the student with alternative meals instead of school food program meals until the unpaid balance in the student's school meal account is paid or a payment plan has been established with the District to reduce the unpaid balance.[3]</p> <p>When a student owes money for five (5) or more school food program meals, the District shall make at least two (2) attempts to contact the student's parent/guardian and shall provide the application for free/reduced-price school meal benefits to the parent/guardian to apply for benefits under federal school meal programs. The District may offer assistance to parents/guardians with applying for free/reduced-price school meal benefits.</p> <p>Communications regarding a low balance or money owed by a student for school meals shall be made to the student's parent/guardian, <del>not the student, unless the student is an emancipated minor.</del></p> <p>School staff may communicate a low balance or money owed by a student for school meals to a student in grades 9-12; such communication shall be made to the individual student in a discreet manner.</p>	<p>SC 1337</p> <p>SC 1337</p> <p>SC 1337 42 U.S.C. 1758 7 CFR Part 245</p> <p>SC 1337</p> <p>SC 1337</p>

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The District shall be permitted to contact the student's parent/guardian by means of a letter addressed to the parent/guardian that is delivered by the student.

SC 1337

District schools shall be prohibited from:

SC 1337

1. Publicly identifying or stigmatizing a student who cannot pay for a school food program meal or who has a negative school meal account balance. [It shall not constitute public identification or stigmatization of a student for a school to restrict privileges and activities of students who owe money for school meals if those same restrictions apply to students who owe money for other school-related purposes, or to provide a student with an alternative meal as provided above.](#)
2. Requiring a student who cannot pay for a school food program meal to perform chores or other work to pay for the meal, unless chores or other work are required of all students regardless of their ability or inability to pay for a school food program meal.
3. Requiring a student to discard a school food program meal after it was served to the student due to the student's inability to pay for the meal or due to a negative school meal account balance unless a parent/guardian has provided notice to the District to restrict or deny items.

This policy and any applicable procedures or administrative regulations regarding school meal charges and school meal accounts shall be communicated annually to school administrators, school food service personnel, other appropriate school staff, and contracted food service personnel.

The District shall provide parent/guardians with information about this policy and any applicable procedures or administrative regulations at the start of each school year, when a student enrolls in school after the start of the school year, and when a parent/guardian is notified of a negative school meal account balance.

Information about this policy and any applicable procedures or

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administrative regulations for parents/guardians, student and staff will be available via the District website, student handbooks, newsletters, posted notices and/or other efficient communication methods.

Collection of Unpaid Meal Charges

Unpaid charges will be carried on a student's account from year to year and will travel with the student throughout their enrollment in the District.

Reasonable efforts shall be made by the District to collect unpaid meal charges from parents/guardians. Efforts taken in the collection shall not have a negative impact on the student involved, but shall focus primarily on the parent/guardians responsible for providing funds for meal purchases. Negligent debt will be sent to the local Magistrate for collection, and parent(s)/guardian(s) are responsible for all court costs and fees assigned by the magistrate for the collection of monies due to the cafeteria.

References:

School Code – 24 P.S. 504, 807.1, 1335, 1337

Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards – 2 CFR Part 200

U.S. Code Chapter 13 School Lunch Programs – 42 U.S.C. 1751 et seq., 1758, 1760, 1773

National School Lunch Program – 7 CFR Part 210, 210.9, 210.13, 210.30, 215, 220, 220.7, 245

7 CFR 15b.40 – Food Services  
FNS Instruction 113-1 (USDA)

Title 3 School Cafeterias and Organized Camps – 3 Pa. C.S.A. 5713

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Board Policy – 103, 103.1, 113, 209.1, 246, 610, 626, 808.1

Revision History: June 19, 2018; August 16, 2016; November 21, 2013; March 19, 2001



KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 81909

Section OPERATIONS

Title SUICIDE AWARENESS PREVENTION AND RESPONSE

Adopted NOVEMBER 17, 2015

Revised \_\_\_\_\_

<b>POLICY NO. 81909</b>		
<b>SUICIDE AWARENESS, PREVENTION AND RESPONSE</b>		
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>The Board is committed to maintaining a safe school environment; to protect the health, safety and welfare of its students; to promote healthy development; and to safeguard against the threat or attempt of suicide among school-aged youth. This policy supports the provision of a comprehensive district program designed to promote behavioral health and prevent suicide. <del>federal, state and local efforts to provide education on youth suicide awareness and prevention; establish methods of prevention, intervention and response to suicide or suicide attempt; and promote access to suicide awareness and prevention resources. The impact of students' mental health on their academic performance and the effect of mental health issues and suicide on students and the entire school community are significant.</del></p> <p><del>Therefore, in order to ensure the safety and welfare of students, the District will work to educate school personnel and students on the actions and resources necessary to prevent suicide and promote mental well-being.</del></p>	<p>SC 1526 Pol. 103, 103.1, 248, 256, 806</p>
<b>Section 2</b>	<p><b><u>Authority</u></b></p> <p>The Board directs the District to provide education on youth suicide awareness and prevention; to establish methods of prevention, intervention, and response to suicide attempt or suicide death; and to promote access to suicide awareness and prevention resources.</p>	<p>SC 1526 Pol. 103, 103.1, 806</p>

<p>Section 3</p>	<p style="text-align: center;"><b>POLICY NO. 81909</b> <b>SUICIDE AWARENESS, PREVENTION AND RESPONSE</b></p> <p>The District shall notify employees, students and parents/guardians of this policy and shall post the policy on the District’s website.</p> <p><del>In compliance with state law and regulations and in support of the Keystone Oaks School District’s suicide prevention measures, this policy shall apply in any situation where a student is expressing suicidal thoughts or intentions of self-harm on school property, at any school sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity. This policy shall also apply following a student’s suicide threat or attempt that does not occur on school grounds or during a school-sponsored activity, but that is reported to any school personnel. Information received in confidence from a student may be revealed to the student’s parents/guardians, the program supervisor, building principal or other appropriate authority when the health, welfare or safety of the student or any other person is deemed to be at risk.</del></p> <p><b><u>Definitions</u></b></p> <p><b>Behavioral health</b> – the promotion of emotional health; the prevention of mental illnesses and substance use disorders; and treatment and services for substance abuse, addiction, substance use disorders, mental illnesses and/or mental disorders.</p> <p><del><b>At-Risk for Suicide</b> shall mean any youth with risk factors or warning signs that increase the likelihood of suicidal behavior.</del></p> <p><del><b>Crisis Response Team</b> shall include, but may not be limited to, the administrators, guidance counselors, the school nurse, mental health therapists, and school resource officers, and/or other members of the Student Assistance Program (SAP), as designated, and may include other members as deemed appropriate by the Superintendent. Community mental agency resources may be called for assistance to be a part of the team.</del></p> <p><del><b>Expressed Suicidal Thoughts or Intentions</b> shall mean a verbal or nonverbal communication that an individual intends to harm him/herself with the intention to die, but has not acted on the behavior.</del></p> <p><del><b>Prevention</b> refers to efforts that seek to reduce the factors that increase the risk for suicidal thoughts and behaviors and increase</del></p>	<p>SC 1526</p> <p>Title 22 Sec. 12.12 Pol. 216</p>
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	<p style="text-align: center;"><b>POLICY NO. 81909</b></p> <p style="text-align: center;"><b>SUICIDE AWARENESS, PREVENTION AND RESPONSE</b></p> <p><del>the factors that help strengthen, support, and protect individuals from suicide.</del></p> <p><del><b>Risk Factors</b> shall mean the personal or environmental characteristics associated with suicide. People affected by one or more of these risk factors have a greater probability of suicidal behavior.</del></p> <p><del><b>School Connectedness</b> shall mean the belief by students that adults and peers in the school care about their learning as well as about them as individuals.</del></p> <p><del><b>School Personnel</b> include, but may not be limited to, administrators, teachers, paraprofessionals, support staff, coaches, custodians, and cafeteria workers.</del></p> <p><del><b>Suicide</b> shall refer to death caused by self-directed injurious behavior with any intent to die as a result of the behavior.</del></p> <p><del><b>Suicidal Act or Suicide Attempt</b> shall mean a potentially self-injurious behavior for which there is evidence that the person probably intended to kill him/herself; a suicidal act may result in death, injuries, or no injuries.</del></p> <p><del><b>Warning Signs</b> are evidence-based indicators that someone may be in danger of suicide, either immediately or in the very near future.</del></p> <p><b>Section 4</b></p> <p><b><u>Guidelines</u></b></p> <p>The District shall utilize a multifaceted approach to suicide prevention which integrates school and community-based supports.</p> <p><del>The District shall notify district employees, students and parents/guardians of this policy and shall post the policy on the district's website.</del></p> <p style="text-align: center;"><b>SUICIDE AWARENESS AND PREVENTION EDUCATION</b></p> <p>-</p> <p><u>Protocols for Administration of Student Education</u></p>	<p style="text-align: right;">SC-1526</p> <p style="text-align: right;">SC 1526</p>
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**SUICIDE AWARENESS, PREVENTION AND RESPONSE**

Students shall receive age-appropriate education lessons in their classrooms through health education or other appropriate curricula on the importance of safe and healthy choices, coping strategies, how to recognize risk factors and warning signs, as well as help-seeking strategies for self or others including how to engage school resources and refer peers for help.

Lessons shall:

1. -Ceontain information on comprehensive health and wellness, including emotional, behavioral and social skills development.
2. Inform students about broader behavioral health issues such as depression and substance abuse, as well as specific risk factors, protective factors and warning signs for suicide.
3. Encourage students to seek help for themselves or their peers, including when concerns arise via social media or other online forum, and to avoid making promises of confidence when they are concerned about the safety of a peer. ~~Students shall be taught not to make promises of confidentiality when they are concerned about a peer or significant other.~~
4. Adhere to safe and effective messaging guidelines -and include reputable suicide prevention resources.
5. Promote a healthy school climate where students feel connected to and can identify trusted adults in the building.
6. These lessons may be taught by health and physical education teachers, community service providers, classroom teachers or student services staff. Students who are in need of intervention shall be referred in accordance with the District's referral procedures for screening and recommendations.

~~Student education may include but is not limited to the following:-~~

SC-1526  
Pol. 333

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**SUICIDE AWARENESS, PREVENTION AND RESPONSE**

- ~~1. Information about suicide prevention. Resources are available on the Pennsylvania Department of Education's (PDE's) website [www.education.pa.gov](http://www.education.pa.gov)~~
- ~~2. Help-seeking approaches amongst students, promoting a climate that encourages peer referral and emphasizes school connectedness.~~
- ~~3. Increasing students' ability to recognize if they or their peers are at risk for suicide.~~
- ~~4. Addressing problems that can lead to suicide, such as depression and other mental health issues, anger, and drug use.~~

Protocols for Administration of Employee Education

All District employees shall receive information **about regarding** risk factors, warning signs, response procedures, referrals, and resources regarding youth suicide **awareness and** prevention.

As part of the District's professional development plan, professional educators in school buildings serving students in grades six (6) through twelve (12) shall participate in a **minimum of** four (4) hours of youth suicide awareness and prevention training at least every five (5) years. Professional educators in school buildings serving students in grades kindergarten through five (5) shall participate in two (2) hours of youth suicide awareness and prevention training at least every (5) years.

Additional professional development in **suicide risk screening and/or** assessment and crisis intervention shall be provided to **specialized staff and school behavioral health professionals such as school crisis response/intervention team members, designated administrators,** school counselors, District mental health professionals, social workers, school nurses and school psychologists.

SC 1526  
Pol. 833

	<p style="text-align: center;"><b>POLICY NO. 81909</b></p> <p style="text-align: center;"><b>SUICIDE AWARENESS, PREVENTION AND RESPONSE</b></p> <p><u>Resources for Parents/Guardians</u></p> <p>The District may provide parents/guardians with resources including, but not limited to, health promotion and suicide risk, including characteristics and warning signs; and information about local behavioral/mental health resources.</p> <p style="text-align: center;"><b><u>METHODS OF PREVENTION</u></b></p> <p>The methods of prevention utilized by the District include, but are not limited to, early identification and support for students at risk; education for students, staff and parents/guardians; and delegation of responsibility for planning and coordination of suicide prevention efforts.</p> <p>In support of the District’s suicide prevention mission, information received in confidence from a student may be revealed to the student’s parents/guardians, the building principal or other appropriate authority when the health, welfare or safety of the student or any other person is clearly in jeopardy.</p> <p><u>Suicide Prevention Coordinators</u></p> <p><i>District-wide:</i></p> <p>A District-wide suicide prevention coordinator shall be designated by the Superintendent. This may be an existing District employee. The District Suicide Prevention Coordinator shall be responsible for planning and coordinating implementation of this policy. The District Suicide Prevention Coordinator shall investigate on cases involving peer-to-peer harassment, as required under federal law and Board Policy. The designee will help identify overlapping risk factors, including hostile environments created by persistent or severe harassment on the basis of gender, race, disability, or other protected classes.</p> <p><i>Building Level:</i></p> <p>Any school personnel who are made aware of any threat or witnesses any attempt towards self-harm that is written, drawn,</p>	<p>SC 1526</p> <p>22 PA Code 12.12 Pol. 207, 216</p>
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spoken, or threatened shall immediately notify the building principal or the District-wide Suicide Prevention Coordinator.

Any threat in any form shall be treated as real and dealt with immediately. No student should be left alone, nor confidentiality promised. In cases of life-threatening situations, a student's confidentiality will be waived. The school entity's crisis response procedures shall be implemented.

~~If an expressed suicidal thought or intention is made known to any school personnel during an afterschool program and the building principal or the Suicide Prevention Coordinator are not available, the school personnel shall call the Allegheny County Crisis Intervention Hotline 1-866-796-8226, 1-800-SUICIDE, or 1-800-273-TALK for help. Thereafter, immediately inform the principal of the incident and actions taken.~~

Early Identification Procedures

Early identification of individuals with ~~one (1) or more~~ suicidal risk factors or ~~of individuals exhibiting~~ warning signs, is crucial to the District's suicide prevention efforts. To promote awareness, district employees, students and parents/guardians should be educated about suicidal risk factors and warning signs.

**Suicide Risk factors** refer to personal or environmental characteristics that are associated with suicide. ~~including, but are not limited to:~~

- ~~● Behavioral Health Issues/Disorders:~~
  - ~~— Depression~~
  - ~~— Substance abuse or dependence~~
  - ~~— Long term use of a medication that according to the FDA may lead to increased risk of suicide~~
  - ~~— Previous suicide attempts~~
  - ~~— Self-injury~~
  
- ~~● Personal Characteristics:~~
  - ~~— Hopelessness/Low self-esteem~~
  - ~~— Loneliness/social alienation/isolation/lack of belonging~~
  - ~~— Poor problem solving or coping skills~~
  - ~~— Impulsivity/risk-taking/recklessness~~

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- ~~Adverse/Stressful Life Circumstances:~~
  - ~~Interpersonal difficulties or losses~~
  - ~~Disciplinary or legal problems~~
  - ~~Bullying (victim or perpetrator)~~
  - ~~School or work issues~~
  - ~~Physical, sexual or psychological abuse~~
  - ~~Exposure to peer suicide~~
  
- ~~Family Characteristics:~~
  - ~~Family history of suicide or suicidal behavior~~
  - ~~Family mental health problems~~
  - ~~Divorce/death of parent/guardian~~
  - ~~Parental child relationship~~

**Warning signs** are ~~evidence-based indicators~~ **indications** that someone may be in danger of suicide, either immediately or in the near future. ~~Warning signs include, but are not limited to:~~

- ~~Expressions such as hopelessness, rage, anger, seeking revenge, feeling trapped, anxiety, agitation, no reason to live or sense of purpose~~
  
- ~~Recklessness or risky behavior~~
  
- ~~Increase alcohol or drug use~~
  
- ~~Withdrawal from friends, family or society~~
  
- ~~Dramatic mood changes~~

SC-1526

Referral Procedures

Any District employee who ~~observes~~ **has identified** a student ~~exhibiting~~ ~~with one (1) or more risk factors,~~ a warning signs ~~for~~ ~~or who has an indication that student may be contemplating~~ suicide or ~~has another indication that a student may be~~ **contemplating suicide,** ~~self-harm,~~ shall refer the student for **suicide risk screening and/or** ~~further~~ assessment and intervention

Pol. 806



	<p style="text-align: center;"><b>POLICY NO. 81909</b></p> <p style="text-align: center;"><b>SUICIDE AWARENESS, PREVENTION AND RESPONSE</b></p> <p>in accordance with district procedures <del>to the school counselors.</del></p> <p>In the absence of a warning sign for suicide, students demonstrating suicide risk factors that appear to be adversely impacting the student should be referred to the Student Assistance Program for support and follow-up.</p> <p><u>Documentation</u></p> <p>The District shall document the reasons for referral, including specific warning signs and <b>suicide</b> risk factors identified as indications that the student may be at risk.</p> <p style="text-align: center;"><b>METHODS OF INTERVENTION</b></p> <p>The methods of intervention utilized by the District include, but are not limited to, responding to suicide threats, suicide attempts in school, suicide attempts outside of school and <del>complete</del> suicide <del>death.</del> -Suicide intervention procedures shall address the development of <del>an emotional or mental health</del> safety plan for students identified as being at increased risk of suicide.</p> <p><u>Procedures for Students at Risk</u></p> <p>A district-approved suicide <b>risk screening or</b> assessment <del>tool</del><del>instrument</del> may be used<del>utilized</del> by trained <del>behavioral</del><del>mental</del> health staff such as school counselors, school psychologists, or social workers.</p> <p>Parents/Guardians of a student identified as being at risk shall be notified by the school <b>and informed of crisis and community resources.</b> If the school suspects that the student’s risk status is the result of abuse or neglect, school staff shall immediately notify Children and Youth Services.</p> <p>If the parent or guardian refuses to cooperate and there is any doubt regarding the child’s safety, the school personnel <b>will refer to internal procedures, which may include pursuing a 302 involuntary mental assessment</b><del>who directly witnessed the expressed suicidal thought or intention will pursue a 302 involuntary mental health assessment by calling County Emergency Services at 412-350-4457 and ask for a delegate.</del></p>	<p>SC 1526</p> <p><del>Pol. 103.1, 113, 113.1, 114</del></p> <p><del>Pol. 103.1, 113, 113.1, 114</del></p> <p>Pol. 806</p> <p><del>SC-1526</del></p>
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	<p style="text-align: center;"><b>POLICY NO. 81909</b></p> <p style="text-align: center;"><b>SUICIDE AWARENESS, PREVENTION AND RESPONSE</b></p> <p><del>The delegate will listen to concerns and advise on the course of action. If a 302 involuntary mental health assessment is granted, the first hand witness will need to be the petitioner, with support from the principal or other central office administrator.</del></p> <p>The District shall identify <del>behavioral</del> <b>mental</b> health service providers to whom students can be referred for further assessment and assistance.</p> <p><b>Behavioral</b> <del>Mental</del> <b>health service providers</b> may include, but are not limited to, hospital emergency departments, psychiatric hospitals, community <del>behavioral</del> <b>mental</b> health centers, psychiatrists, psychologists, social workers and primary care providers.</p> <p><del>If the student is identified as being at increased risk of suicide,</del> <b>The District shall create an new, or update a previous, emotional or mental health</b> safety plan to support <del>thea</del> <b>thea</b> student and the student’s family <del>if the student has been identified as being at increased risk of suicide.</del> <b>The safety plan should be developed collaboratively with input from the student and reviewed with the student’s family.</b></p> <p><u>Students with Disabilities</u></p> <p>For students with disabilities, who are identified as being at-risk for suicide or who attempt suicide, the appropriate team shall be notified and shall address the student’s needs in accordance with applicable law, regulations and Board policy.</p> <p>If a student is identified as being at-risk for suicide or attempts suicide and <del>the student may</del> <b>requires</b> special education services or accommodations, the Supervisor of Special Education shall be notified and shall take action to address the student’s needs in accordance with applicable law, regulations and Board policy.</p> <p><u>Documentation</u></p> <p>The District shall document observations, recommendations and actions conducted throughout the intervention, <del>suicide risk screening and/or and-assessment and follow-up</del> <b>process</b>, including verbal and written communications with students, parents/guardians and <del>behavioral</del> <b>mental</b> health service providers.</p>	<p>Pol. 103.1, 113, 113.2, 113.3, <del>114</del> <b>117, 204</b></p> <p>Pol. 103.1, 113, 113.2, 113.3, <del>114</del> <b>204</b></p>
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**POLICY NO. 81909**  
**SUICIDE AWARENESS, PREVENTION AND RESPONSE**

The Superintendent or designee shall develop administrative regulations providing recommended guidelines for responding to a suicide threat.

**METHODS OF RESPONSE TO SUICIDE-OR-SUICIDE ATTEMPT OR SUICIDE DEATH**

SC 1526

The District shall maintain a trained school crisis response/crisis intervention team. Team members shall include, but not be limited to, designated administrators, school counselors, school nurse, school psychologist, social worker, School Resource Officers, members of the Student Assistance Program Team, and others as designated by the district such as community behavioral health agency resources.

Response to Suicide Attempt

~~The~~ **M**ethods of response to ~~suicide-or~~ a suicide attempt utilized by the District include, but are not limited to:

1. Determining the roles and responsibilities of each crisis response team member.
- ~~1~~.2. Notifying students, employees and parent/guardians.
- ~~2~~.3. Working with families.
- ~~3~~.4. Responding appropriately to the media.
- ~~4~~.5. Collaborating with community providers.

~~SC-1526~~

The Superintendent or designee shall develop administrative regulations with recommended guidelines for responding to a ~~suicideal-act-or~~ attempt on school grounds or during a school-sponsored event.

Re-Entry Procedures

	<p style="text-align: center;"><b>POLICY NO. 81909</b></p> <p style="text-align: center;"><b>SUICIDE AWARENESS, PREVENTION AND RESPONSE</b></p> <p>A student’s excusal from school attendance after <del>an absence due to significant psychological and/or</del> behavioral health crisis<del>distress</del> and the student’s return to school shall be consistent with state and federal laws and regulations.</p> <p>Prior to a student returning to school after a behavioral health crisis, <del>a</del> District-employed <del>contracted behavioral mental</del> health professional, the building principal, <del>the school counselor</del> or suicide prevention coordinator shall meet with the parents/guardians of <del>the</del> student <del>returning to school after an absence due to significant psychological and/or behavioral distress</del>, and, if appropriate, meet with the student <del>to discuss re-entry and applicable next steps</del> to ensure the student’s readiness to return to school <del>and to create an individual re-entry plan</del>.</p> <p>When authorized by the student’s parent/guardian, the designated District employee shall coordinate with the appropriate outside <del>behavioral mental</del> health care providers, <del>request written documentation from the treating facility and encourage their involvement in the re-entry meeting</del>.</p> <p>The designated District employee will periodically check-in, as needed, with the student to <del>monitor the student’s progress</del>, facilitate the transition back into the school community and address any concerns.</p> <p><del>Re-entry of a student with a disability requires coordination with the appropriate team to address the student’s needs in accordance with applicable law, regulations and Board policy.</del></p> <p style="text-align: center;"><b>REPORT PROCEDURES</b></p> <p>Effective documentation assists in preserving the safety of the student and ensuring communication among school staff, parents/guardians and mental health service providers.</p> <p>When a District employee takes notes on any conversations or situations involving or relating to an at-risk student, the notes should contain only factual or directly observed information, not opinions or hearsay.</p> <p>As stated in this policy, District employees shall be responsible for effective documentation of incidents involving suicide</p>	<p>Pol. 103.1, 113, 113.2, 113.3, 117, 204</p> <p>Pol. 103.1, 113, 113.2, 113.3, 114</p>
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**POLICY NO. 81909**

**SUICIDE AWARENESS, PREVENTION AND RESPONSE**

prevention, intervention and response.

The District Suicide Prevention Coordinator shall provide the Superintendent or designee with a copy of all reports and documentation regarding the at-risk student. Information and reports shall be provided, as appropriate, to school counselors, District mental health professionals and school nurses.

**SUICIDE AWARENESS AND PREVENTION  
RESOURCES**

A listing of resources regarding suicide awareness and prevention shall be attached to this policy.

References:

School Code – 24 P.S. Sec. 1526

State Board of Education Regulations – 22 PA Code Sec. 12.12

2012 National Strategy for Suicide Prevention: Goals and Objectives for Action

Board Policies –103, 103.1, 113, 113.1, 113.2, 113.3, 114, 117, 146, 204, -207, 216, -248, -249, 256, 333, 806

## **Suicide Awareness and Prevention Resources ~~For Schools~~**

### **Crisis Contacts:**

- National Suicide Prevention Lifeline: 1-800-273-TALK (8255) or visit <http://www.suicidepreventionlifeline.org/>
- Crisis Text Line: TEXT 741-741 or visit <http://www.crisistextline.org/>
- Allegheny County resolve Crisis Services 1-888-7-YOU-CAN  
<https://www.upmc.com/services/behavioral-health/resolve-crisis-services>
- List of County CASSP and Children’s Behavioral Health Contact Persons  
[https://www.dhs.pa.gov/Services/Mental-Health-In-PA/Documents/CASSP/CASSP-Coordinators\\_01082020.pdf](https://www.dhs.pa.gov/Services/Mental-Health-In-PA/Documents/CASSP/CASSP-Coordinators_01082020.pdf)

### **National and State Organization Resources:**

- American Association of Suicidology (AAS): <http://www.suicidology.org/>
- American Foundation for Suicide Prevention (AFSP): <https://www.afsp.org/>
- Suicide Prevention Resource Center (SPRC): <http://www.sprc.org/>
- Prevent Suicide PA: <http://www.preventsuicidepa.org/>
- Jana Marie Foundation: <http://www.janamariefoundation.org/>
- Aavidum: <http://aavidum.com/cms/>
- Services for Teens at Risk (STAR-Center)  
<https://www.starcenter.pitt.edu/STAR-Center-Home/1/Default.aspx>
- Pennsylvania Department of Education [www.education.state.pa.us](http://www.education.state.pa.us)
- Substance Abuse and Mental Health Services Administration (SAMHSA) Preventing Suicide: A Toolkit for High Schools <https://store.samhsa.gov/product/Preventing-Suicide-A-Toolkit-for-High-Schools/SMA12-4669>

~~\*\*\*Please note that the resources listed here are free of charge. There are many more excellent resources for minimal cost.~~

~~**General Information** (many with webinar sessions)~~

~~**PA Youth Suicide Prevention Initiative Mission** <http://www.payspi.org/>~~

**Mission**—The Pennsylvania Youth Suicide Prevention Initiative is a multi-system collaboration to reduce youth suicide.

**Vision**—Youth suicide prevention will be embraced and incorporated into the fabric of every community in Pennsylvania to address the social and emotional needs of youth at risk and survivors of suicide.

**Suicide Prevention Resource Center** ————— <http://www.sprc.org/>

SPRC is the nation's only federally supported resource center devoted to advancing the *National Strategy for Suicide Prevention*. They provide technical assistance, training, and materials to increase the knowledge and expertise of suicide prevention practitioners and other professionals serving people at risk for suicide. They also promote collaboration among a variety of organizations that play a role in developing the field of suicide prevention.

**Toolkit for High Schools** ————— <http://store.samhsa.gov/product/SMA12-4669>

Assists high schools and school districts in designing and implementing strategies to prevent suicide and promote behavioral health. Includes tools to implement a multi-faceted suicide prevention program that responds to the needs and cultures of students. Released in June 2012.

**American Foundation for Suicide Prevention** ————— <http://www.afsp.org/>

The American Foundation for Suicide Prevention has been at the forefront of a wide range of suicide prevention initiatives — each designed to reduce loss of life from suicide. They are investing in groundbreaking research, new educational campaigns, innovative demonstration projects and critical policy work. And they are expanding their assistance to people, whose lives have been affected by suicide, reaching out to offer support and offering opportunities to become involved in prevention.

**American Association of Suicidology** ————— <http://www.suicidology.org/home>

AAS is a membership organization for all those involved in suicide prevention and intervention, or touched by suicide. AAS is a leader in the advancement of scientific and programmatic efforts in suicide prevention through research, education and training, the development of standards and resources, and survivor support services.

**Services for Teens At Risk (STAR Center)** ————— <http://www.starcenter.pitt.edu/>

Services for Teens At Risk (STAR Center) is a comprehensive research, treatment, and training center. Funded by the State of Pennsylvania's General Assembly in 1986 to address adolescent suicide and depression, the program provides individual assessment and treatment to teens that are experiencing depression and suicidality. They also provide community education

services about depression and suicidality to schools, social service agencies, churches and other organizations that request them.

**The Trevor Project** ————— <http://www.thetrevorproject.org/>

The Trevor Project is the leading national organization providing crisis intervention and suicide prevention services to lesbian, gay, bisexual, transgender, and questioning youth.

**National Alliance on Mental Illness (NAMI)** ————— <https://www.nami.org/About-NAMI>

NAMI, the National Alliance on Mental Illness, is the nation's largest grassroots mental health organization dedicated to building better lives for the millions of Americans affected by mental illness.

## **Comprehensive School Guide**

**Youth Suicide Prevention School-Based Guide** ————— <http://theguide.fmhi.usf.edu/>

The Youth Suicide Prevention School-Based Guide is designed to provide accurate, user-friendly information. The Guide is not a program but a tool that provides a framework for schools to assess their existing or proposed suicide prevention efforts (through a series of checklists) and provides resources and information that school administrators can use to enhance or add to their existing program. First, checklists can be completed to help evaluate the adequacy of the schools' suicide prevention programs. Second, information is offered in a series of issue briefs corresponding to a specific checklist. Each brief offers a rationale for the importance of the specific topic together with a brief overview of the key points. The briefs also offer specific strategies that have proven to work in reducing the incidence of suicide, with references that schools may then explore in greater detail. A resource section with helpful links is also included. The Guide provides information to school to assist them in the development of a framework to work in partnership with community resources and families.

## **School Policy**

**Model School Policy on Suicide Prevention** —

[https://www.afsp.org/content/download/10555/186750/file/Model%20Policy\\_FINAL.pdf](https://www.afsp.org/content/download/10555/186750/file/Model%20Policy_FINAL.pdf)

Written by American Foundation for Suicide Prevention, National Association of School Psychologists, American School Counselor Association, and The Trevor Project. This modular, adaptable document will help educators and school administrators implement comprehensive suicide prevention policies in communities nationwide.

**STAR Center Sample School Suicide Policy and Procedure** —



## **Training for School Staff**

### **Society for Prevention of Teen Suicide** ————— <http://www.sptsusa.org/>

The mission of the Society for the Prevention of Teen Suicide is to reduce the number of youth suicides and attempted suicides by encouraging overall public awareness through the development and promotion of educational training programs for teens, parents and educators.

The free, interactive series Making Educators Partners in Suicide Prevention is designed to be completed at the viewer's own pace. Pennsylvania school staff requiring Act 48 hours may submit the certificate of completion to [c-paschool@pa.gov](mailto:c-paschool@pa.gov) or fax it to 717-783-4790, along with your Dept. of Education Professional ID number, to have these hours submitted.

### **More Than Sad Program** ————— <http://www.afsp.org/preventing-suicide/our-education-and-prevention-programs/programs-for-professionals/more-than-sad-suicide-prevention-education-for-teachers-and-other-school-personnel>

The More Than Sad Program of the American Foundation for Suicide prevention provides education about factors that put youth at risk for suicide, in particular depression and other mental disorders. Instructional materials accompany the More Than Sad Program, including a power point presentation.

**American Foundation for Suicide Prevention** (<http://www.afsp.org/>) — PA AFSP chapters will make the “More Than Sad” DVD available **free** to all high and middle schools in PA that request one. **Contact Pat Gainey to receive your copy.** Patricia Gainey, Regional Director, American Foundation for Suicide Prevention, Greater Philadelphia Regional Office, 3535 Market Street, Suite 4047, Philadelphia, PA 19104; Office: (215)746-7256

### **Suicide Prevention Resource Center — Best Practice Registry** ————— <http://www.sprc.org/bpr>

The purpose of the Best Practices Registry (BPR) is to identify, review, and disseminate information about best practices that address specific objective of *the National Strategy for Suicide Prevention*. The BPR is a collaborative project of the Suicide Prevention Resource Center (SPRC) and the American Foundation for Suicide Prevention (AFSP). It is funded by the Substance Abuse and Mental Health Services Administration (SAMHSA). May of the best practice resources listed have to be purchased.

## **Material for Students**

**More Than Sad Program** — <http://www.afsp.org/preventing-suicide/our-education-and-prevention-programs/programs-for-teens-and-young-adults/more-than-sad-teen-depression>  
The More Than Sad Program of the American Foundation for Suicide prevention provides education about factors that put youth at risk for suicide, in particular depression and other mental disorders.

**American Foundation for Suicide Prevention** (<http://www.afsp.org>) — PA AFSP chapters will make the “More Than Sad” DVD available free to all high and middle schools in PA that request one. **Contact Pat Gainey to receive your copy.** Patricia Gainey, Regional Director, American Foundation for Suicide Prevention, Greater Philadelphia Regional Office, 3535 Market Street, Suite 4047, Philadelphia, PA 19104; Office: (215)746-7256

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### **Wisconsin Department of Public Instruction**

The curriculum is not SPRC listed, but does use elements of SOS and Lifelines.

<http://sspw.dpi.wi.gov/sspw-suicideprev-main-page>

Link to Student programs: <http://sspw.dpi.wi.gov/sspw-spstudentprograms>

Link to Curriculum: <http://sspw.dpi.wi.gov/sspw-suicideprevcurriculum>

### **Postvention Assistance**

**Services for Teens At Risk (STAR Center)** — <http://www.starcenter.pitt.edu/>

Services for Teens At Risk (STAR Center) is a comprehensive research, treatment, and training center. Funded by the State of Pennsylvania’s General Assembly in 1986 to address adolescent suicide and depression, the program provides individual assessment and treatment to teens that are experiencing depression and suicidality. They also provide community education services about depression and suicidality to schools, social service agencies, churches and other organizations that request them. Any PA school can contact the STAR Center for assistance in

the aftermath of a suicide or other tragic loss. STAR Center can also provide in-service training and resource materials on a variety of mental health related topics.

**Suicide Prevention Resource Center Postvention Toolkit**

<http://www.sprc.org/sites/sprc.org/files/library/AfteraSuicideToolkitforSchools.pdf>

This toolkit is designed to assist schools in the aftermath of a suicide (or other death) in the school community. It is meant to serve as a practical resource for schools facing real-time crises to help them determine what to do, when, and how. The toolkit reflects consensus recommendations developed in consultation with a diverse group of national experts, including school-based personnel, clinicians, researchers, and crisis response professionals. It incorporates relevant existing material and research findings as well as references, templates, and links to additional information and assistance.

Compiled by the: PA Youth Suicide Prevention Initiative: [www.payspi.org](http://www.payspi.org)

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