



**KEYSTONE OAKS SCHOOL DISTRICT**  
**1000 Kelton Avenue**  
**Pittsburgh, PA 15216**

**BOARD OF SCHOOL DIRECTORS**

**WORK SESSION**

**TUESDAY, FEBRUARY 13, 2018**  
**7:00 PM**

**BUSINESS/LEGISLATIVE MEETING**

**TUESDAY, FEBRUARY 20, 2018**  
**7:00 PM**

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

**February 20, 2018 – Business/Legislative**

**7:00 PM      Meeting**

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

**March 13, 2018 –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**

**February 20, 2018**

**Mr. Matthew Cesario**

## **BOARD ACTION REQUESTED**

### **I. BOARD MINUTES**

It is recommended that the Board approve the Work Session Minutes of January 9, 2018 and the Business/Legislative Minutes of January 16, 2018.

## **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

February 20, 2018

Dr. William P. Stropkaj

## BOARD ACTION REQUESTED

### **I. FIRST READING OF POLICY NO. 103: NONDISCRIMINATION IN SCHOOLS & CLASSROOM PRACTICES**

It is recommended that the Board approve the FIRST READING of Policy No. 103: *Nondiscrimination in Schools & Classroom Practices*.

### **II. ATTACHMENT NO. 103-AR-1: REPORT FORM FOR COMPLAINTS OF DISCRIMINATION/DISABILITY HARASSMENT**

It is recommended that the Board approve the FIRST READING of Attachment No. 103-AR-1: *Report Form for Complaints of Discrimination/Disability Harassment*.

### **III. FIRST READING OF POLICY NO. 103.1: NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES.**

It is recommended that the Board approve the FIRST READING of Policy No. 103.1: *Qualified Students with Disabilities*.

### **IV. ATTACHMENT NO 103.1-AR-1: REPORT FORM FOR COMPLAINTS OF DISCRIMINATION/DISABILITY HARASSMENT**

It is recommended that the Board approve the FIRST READING of Attachment No. 103.1-AR-1: *Nondiscrimination-Qualified Students with Disabilities (Report Form for Complaints of Discrimination/Disability Harassment)*.

### **V. ATTACHMENT NO 103.1-AR-2: PROCEDURAL SAFEGUARDS NOTIFICATION**

It is recommended that the Board approve the FIRST READING of Attachment No. 103.1-AR-2: *Nondiscrimination-Qualified Students with Disabilities (Procedural Safeguards Notification)*.

### **VI. ATTACHMENT NO 103.1-AR-4: PARENT/GUARDIAN REQUEST FOR EVALUATION, TERMINATION, OR MODIFICATION UNDER SECTION 504**

It is recommended that the Board approve the FIRST READING of Attachment No. 103.1-AR-4: *Parent/Guardian request for evaluation, termination, or modification under Section 504*.

**VII. FIRST READING OF POLICY NO. 104: NONDISCRIMINATION IN EMPLOYMENT PRACTICES**

It is recommended that the Board approve the FIRST READING of Policy No. 104: *Nondiscrimination in Employment Practices.*

**VIII. ATTACHMENT NO. 104-AR-1: REPORT FORM FOR COMPLAINTS OF DISCRIMINATION/DISCRIMINATORY HARASSMENT**

It is recommended that the Board approve the FIRST READING of Attachment No. 104-AR-1: *Report Form for Complaints of Discrimination/Discriminatory Harassment.*

**IX. FIRST READING OF POLICY NO. 228: STUDENT GOVERNMENT**

It is recommended that the Board approve the FIRST READING of Policy No. 228: *Student Government.*

**X. REMOVAL OF POLICY NO. 223.1: PARKING ON SCHOOL DISTRICT PROPERTY**

It is recommended that the Board approve the removal of Policy No. 223.1: *Parking on School District Property.*

**XI. ADOPTION OF THE 2018/2019 SCHOOL YEAR CALENDAR**

It is recommended that the Board adopt the 2018/2019 school year calendar as presented by the Superintendent. (*Pages 7-8*)

**XII. PROFESSIONAL DEVELOPMENT**

It is recommended that the Board approve the following conference requests:

<b>Dr. William Stropkaj</b>	The Forum for Western PA School Superintendents Spring Retreat – University of Pittsburgh Bedford, PA April 18 – 20, 2018	<i>No cost to District</i>
<b>Dr. William Stropkaj</b>	Mass Customized Learning National Alliance	\$4,000.00 (total for all)
<b>Dr. Shannon Varley</b>	MCL National Summit	
<b>Mr. Aaron Smith</b>	State College, PA	
<b>Mr. Jason Kushak</b>	July 18 – 20, 2018	
<b>Mrs. Sarah Welch</b>	PensPRA Annual Symposium Pennsylvania School Public Relations Association Shippensburg, PA April 12 – 13, 2018	\$550.00

<b>Ms. Beth Smith</b>	FBLA State Leadership Conference Hershey Lodge and Convention Center Hershey, PA April 8 – 11, 2018	\$1,203.00
<b>Ms. Emily Brill</b>	PAFCS 2018 Annual Conference Hilton Scranton & Conference Center Scranton, PA April 5 – 7, 2018	\$960.00

**KEYSTONE OAKS SCHOOL DISTRICT  
2018-2019 SCHOOL CALENDAR**

August 2018				
Mo	Tu	We	Th	Fr
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	(22)	(23)	(24)
27	28	29	30	31

September 2018				
Mo	Tu	We	Th	Fr
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

October 2018				
Mo	Tu	We	Th	Fr
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

November 2018				
Mo	Tu	We	Th	Fr
			1	2
5	(6)	7	8	9
12	13	14	15	16
19	20	(21)	(22)	(23)
(26)	27	28	29	30

December 2018				
Mo	Tu	We	Th	Fr
3	4	5	6	7
10	11	12	13	14
17	18	19	20	(21)
(24)	(25)	(26)	(27)	(28)
(31)				

January 2019				
Mo	Tu	We	Th	Fr
	(1)	(2)	3	4
7	8	9	10	11
14	15	16	17	18
(21)	22	23	24	(25)
28	29	30	31	

February 2019				
Mo	Tu	We	Th	Fr
				1
4	5	6	7	8
11	12	13	14	15
(18)	19	20	21	22
25	26	27	28	

March 2019				
Mo	Tu	We	Th	Fr
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	(29)

April 2019				
Mo	Tu	We	Th	Fr
1	2	3	4	5
8	9	10	11	12
15	16	17	(18)	(19)
(22)	23	24	25	26
29	30			

May 2019				
Mo	Tu	We	Th	Fr
		1	2	3
6	7	8	9	10
13	(14)	15	16	17
20	21	22	23	(24)
(27)	28	29	30	31

June 2019				
Mo	Tu	We	Th	Fr
3	4	5	6	7
(10)	11	12	13	14
17	18	19	20	21
24	25	26	27	28

July 2019				
Mo	Tu	We	Th	Fr
1	2	4	5	6
8	9	11	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

 First & Last Student Day

**Make-Up Days**

1. Monday, February 18, 2019

 Early Dismissal(s) for Students

2. Monday, April 22, 2019

 Inservice

3. Tuesday, May 14, 2019

 Holiday Dates – No School

 Kennywood Picnic

**KEYSTONE OAKS SCHOOL DISTRICT  
2018-2019 SCHOOL CALENDAR**

**STUDENT / TEACHER DAYS**

		<u>Month</u>	<u>Student</u>	<u>Teacher</u>
August 22,23,24	PD / PD / Clerical (Room Prep)	August	5	8
August 27	First Day for Students			
September 3	Labor Day (No School)	September	19	19
		October	23	23
November 6	Professional Development / Clerical			
November 22, 23, 26	Thanksgiving Vacation (No School)	November	18	19
December 24-31	Winter Recess (No School)	December	15	15
January 1, 2	Winter Recess (No School)			
January 21	Martin Luther King Day (Clerical)			
January 25	Professional Development	January	19	21
February 18	Presidents' Day (No School)	February	19	19
March 29	Professional Development/Clerical	March	20	21
April 19-22	Spring Break	April	20	20
May 14	No School			
May 27	Memorial Day (No School)	May	21	21
June 7	Last Day for Students			
June 10	Last Day for Teachers / Clerical	June	5	6
			184	192

**STAFF DAYS**

August 22, 23, 24.....	Professional Development/Clerical
November 6 .....	Professional Development / Clerical
January 21.....	Clerical
January 25.....	Professional Development
March 29.....	Professional Development/Clerical
June 10.....	Clerical

**PARAPROFESSIONAL DAYS**

August 22.....	School Start-Up Activities / Training
August 23.....	Training / Preparation Duties
January 25 .....	Training

**VACATION DAYS**

September 3.....	Labor Day
November 22, 23, 26.....	Thanksgiving Vacation
December 24 – January 2.....	Winter Recess
February 18.....	Presidents' Day
April 19-22 .....	Spring Break
May 14 .....	No School
May 27.....	Memorial Day

**IMPORTANT DAYS**

August 27, 2018.....	First Day for Students
June 7, 2019.....	Last Day for Students
June 10, 2019.....	Last Day for Teachers
TBD.....	Kennywood Picnic



# PUPIL PERSONNEL REPORT

February 20, 2018

Dr. William Stropkaj

## I. CARES OF WESTERN PENNSYLVANIA AGREEMENT

The Administration recommends that the Board approve the contract between Cares of Western Pennsylvania and the Keystone Oaks School District.

## II. SAFE SCHOOL HELPLINE AGREEMENT

The Administration recommends that the Board approve the *Safe School Helpline Agreement* for the Keystone Oaks School District, effective February 1, 2018 through January 31, 2019, at a cost of \$1,544.67 per year.

### For Information Only

The *Safe School Helpline* is a 24-hour service for all District staff, parents, students, and community members to report safety concerns and seek immediate support.

# PERSONNEL REPORT

February 20, 2018

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

## BOARD ACTION REQUESTED

### I. RESIGNATION

It is recommended that the Board accept the resignation of **Gina Delfine**, Food Service Worker, effective January 30, 2018.

### II. APPOINTMENTS

#### **A. Food Service Personnel**

It is recommended that the Board approve the following individuals as Food Service Employees, effective February 5, 2018, for the remainder of the 2017/2018 school year:

<u>Name</u>	<u>School</u>	<u>Hourly Wage</u>
<b>Karen Fortier</b>	Middle School/High School	\$9.25
<b>Erica Massey</b>	Middle School/High School	\$9.25

#### **B. Approval of Activities – Specialized and Support Positions**

In compliance with the *Keystone Oaks Education Associate Collective Bargaining Agreement 2017-2020*, it is recommended that the Board approve the following individuals for the 2017/2018 school year:

<u>Employee</u>	<u>Position</u>	<u>Compensation</u>
Amanda Stefanowicz	HS Musical/Paint	\$ 660.00
William Eibeck	HS Musical Director/Orchestra Conductor	\$5,400.00

# FINANCE REPORT

## February 20, 2018

Mrs. Theresa Lydon, Chairperson

### BOARD ACTION REQUESTED

#### I. ACCOUNTS PAYABLE APPROVAL LISTS

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

A. General Fund as of January 31, 2017 (Check No. 55952 – 55951)	\$832,392.30
B. Risk Management as of January 31, 2017 (None)	\$0.00
C. Food Service Fund as of January 31, 2017 (None)	\$0.00
D. Athletics as of January 31, 2017 (None)	\$0.00
E. Capital Reserve as of January 31, 2017 (Check No. 1582)	\$3,958.92
<b>TOTAL</b>	<b>\$836,351.22</b>

#### II. PARKWAY WEST CAREER & TECHNOLOGY CENTER BUDGET

1. The Administration recommended that that Board approve the Parkway West General Operating and Jointure Budget for the 2018/2019 school year as follows:

	<u>2018/2019</u>
• Parkway West General Operating Budget	\$6,428,563.00
• Parkway West Jointure Budget	\$ 703,183.00
2. Keystone Oaks School District's Estimated Share of Budget	
• Parkway West General Operating Budget	\$ 457,706.58
• Parkway West Jointure Budget	\$ 47,092.89

#### For Information Only

The District's estimated share toward the General Operating Budget reflects a decrease of \$68,207.07. The District's estimated share toward the Jointure Budget is an increase of \$14,375.20.

### **III. AIU PROGRAM OF SERVICES BUDGET – FINANCE DIVISION**

The Administration recommends that the Board approve the proposed 2018/2019 Allegheny Intermediate Unit Program of Services Budget in the amount of \$2,086,109.00. The Allegheny County (AIU3) School Districts' total contribution to the budget is \$1,765,288.00. The Keystone Oaks School District contribution to the Program of Services Budget is estimated to be \$37,524.00 and will be determined by PDE according to District Aid Ratio and Weighted Average Daily Membership (WADM).

### **IV. TRANSFER FROM GENERAL FUND TO RISK MANAGEMENT FUND**

The Administration recommends the approval of a transfer of \$219,765.00 from the General Fund to the Risk Management Fund to partially cover the potential liability of a tax appeal.

**FOR INFORMATION ONLY**

**I. EXPENDITURE/REVENUE 2017 – 2018 BUDGET to ACTUAL / PROJECTION**

ACCT	DESCRIPTION	2017-2018 BUDGET TOTAL	2017-2018 7 MONTH JANUARY/ACTUAL	OVER (UNDER) BUDGET
<b>Revenue</b>				
6000	Local Revenue Sources	\$ 29,205,575	\$ 27,242,272	\$ (1,963,303)
7000	State Revenue Sources	\$ 11,884,614	\$ 5,274,107	\$ (6,610,507)
8000	Federal Revenue Sources	\$ 847,073	\$ 240,497	\$ (606,576)
<b>Total Revenue</b>		<b>\$ 41,937,262</b>	<b>\$ 32,756,876</b>	<b>\$ (9,180,386)</b>
<b>Expenditures</b>				
100	Salaries	\$ 16,193,174	\$ 7,211,806	\$ 8,981,368
200	Benefits			
	Professional/Technical	\$ 10,647,423	\$ 4,781,220	\$ 5,866,203
300	Services	\$ 1,420,450	\$ 830,856	\$ 589,594
400	Property Services	\$ 1,245,450	\$ 629,231	\$ 616,219
500	Other Services	\$ 5,051,476	\$ 2,983,238	\$ 2,068,238
600	Supplies/Books	\$ 1,476,761	\$ 866,895	\$ 609,866
700	Equipment/Property	\$ 749,916	\$ 570,445	\$ 179,471
800	Other Objects	\$ 767,612	\$ 437,650	\$ 329,962
900	Other Financial Uses	\$ 4,385,000	\$ 3,564,527	\$ 820,473
<b>Total Expenditures</b>		<b>\$ 41,937,262</b>	<b>\$ 21,875,868</b>	<b>\$ 20,061,394</b>
<b>Revenues exceeding Expenditures</b>		<b>\$ -</b>	<b>\$ 10,881,008</b>	<b>\$ 10,881,008</b>
<b>Other Financing Sources/(Uses)</b>				
	Interfund Transfers In (Out)	\$ -	\$ 926,714	\$ (926,714)

**II. SUMMARY OF STUDENT ACTIVITIES ACCOUNTS AS OF JANUARY 31, 2018**

<b>Bank Account - Status</b>	<b>Middle / High School</b>	<b>Athletics</b>
Cash Balance - 1/1/2018	\$ 104,608.33	\$ 59,885.54
Deposits	\$ 3,385.46	\$ 4,165.80
Subtotal	\$ 107,993.79	\$ 64,051.34
Expenditures	\$ 3,753.61	\$ -
Cash Balance - 1/31/2018	\$ 104,240.18	\$ 64,051.34

**III. BANK BALANCES**

**BANK BALANCES PER STATEMENT AS OF JANUARY 31, 2018**

	<b>BALANCE</b>
<b>GENERAL FUND</b>	
FNB BANK	\$ 1,700,000
PAYROLL (pass-thru account)	\$ 11,207
FNB SWEEP ACCOUNT	\$ 605,073
ATHLETIC ACCOUNT	\$ 64,051
PLGIT	\$ 12,416,859
FNB Money Market	\$ 4,029,392
PSDLAF	\$ 156,285
INVEST PROGRAM	\$ 173,115
	<u><u>\$ 19,155,982</u></u>
 <b>CAFETERIA FUND</b>	
FNB BANK	\$ 222,113
PLGIT	\$ 349,962
	<u><u>\$ 572,075</u></u>
 <b>CONSTRUCTION FUND / CAP RESERVE</b>	
FNB BANK	\$ 268,798
PLGIT - G.O. BOND SERIES C OF 2014/ 12-18	\$ 767
	<u><u>\$ 269,565</u></u>
 <b>RISK MANAGEMENT / TAX REFUNDS</b>	
FNB BANK	<u><u>\$ 273,033</u></u>
 <b>GRAND TOTAL</b>	 <b>\$ 20,270,655</b>

# ACTIVITIES & ATHLETICS REPORT

February 20, 2018

Mr. Robert Brownlee, Chairperson

## I. OVERNIGHT TRIP

It is recommended that the Board approve the following overnight trip:

**FBLA State Leadership Conference**

Sunday - Wednesday – April 8 - 11, 2018

Sponsor – **Beth Smith**

Chaperones – None

Approximate number of students participating - 11

Approximate cost per student - \$696.00

District funds requested - \$3,996.00

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 103

Section PROGRAMS

Title NONDISCRIMINATION IN SCHOOL & CLASSROOM PRACTICES

Adopted AUGUST 21, 1989

Revised JUNE 26, 2014;  
FEBRUARY 16, 1998

<p>Section 1</p>	<p style="text-align: center;"><b>POLICY NO. 103 NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES</b></p> <p style="text-align: center;"><b><u>THIS POLICY SHALL SUPERSEDE POLICY 248.</u></b></p> <p><b>Authority</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 offered in the schools <u>without discrimination on the basis</u> <del>regardless</del> 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><u>The District strives to maintain a safe, positive learning environment for all students that is free from discrimination. Discrimination is inconsistent with the educational and programmatic goals of the District and is prohibited on school grounds, at school-sponsored activities and on any conveyance providing transportation to or from a school entity or school-sponsored activity.</u></p> <p>The District shall provide to all students, without discrimination, course offerings, counseling, assistance, <u>services</u>, employment, athletics and extracurricular activities. <del>The equitable distribution of district resources is one means the District shall use to ensure all students receive a quality education.</del> The District shall make reasonable accommodations for identified physical and mental</p>	<p>SC <del>1301-A</del>, 1310, <u>1601-C et seq.</u>, Title 22 Sec. 4.4, 12.1.12.4, 15.1 et seq., 24 P.S. Sec. 5004 43 P.S. Sec. 951 et seq., <del>Title IX</del>, 20 U.S.C. Sec. 1681 et seq., <del>6321</del> 29 U.S.C. Sec. 794 <del>Title VI</del>, 42 U.S.C. Sec. 2000d et seq., <del>12101 et seq., 1981 et seq.</del> <u>Pol. 103.1, 218, 247, 249</u> <u>U.S. Const. Amend. XIV</u></p>
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**POLICY NO. 103  
NONDISCRIMINATION IN SCHOOL AND  
CLASSROOM PRACTICES**

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 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.

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

The Board prohibits retaliation against any person for making a report of discrimination or participating in a related investigation or hearing, or opposing practices the person reasonably believes to be discriminatory. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination. No reprisals or retaliation shall occur as a result of good faith charges of discrimination.

For information regarding programs, services, activities and facilities that are accessible to and usable by disabled persons or for inquiries regarding civil rights compliance contact:

Coordinator of Pupil Personnel Services Keystone Oaks School District  
4000 Kelton Avenue  
Pittsburgh, PA 15216  
412/571-6013

or

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**POLICY NO. 103  
NONDISCRIMINATION IN SCHOOL AND  
CLASSROOM PRACTICES**

Director of the Office of Civil Rights  
Department of Education  
Washington, DC

**Section 2**

**Definitions**

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, **harassment** shall consist 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

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

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**POLICY NO. 103  
NONDISCRIMINATION IN SCHOOL AND  
CLASSROOM PRACTICES**

of the ability to participate in or benefit from the services, activities or opportunities offered by a school.  
Sexual Harassment

Sexual harassment is a form of discrimination on the basis of sex and is subject to this policy. For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, graphic or physical conduct of a sexual nature when:

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
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 32 Delegation of Responsibility**

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**POLICY NO. 103  
NONDISCRIMINATION IN SCHOOL AND  
CLASSROOM PRACTICES**

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 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 notices or information shall include the position. Such publication shall include](#) the name, office address, ~~and~~ telephone number [and email address](#) of the Compliance Officer designated in this policy.

[The Compliance Officer 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:](#)

- [1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.](#)
- [2. Training - Provision 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, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources including counseling resources.](#)

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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.

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5. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related areas.

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6. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

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7. Complaints - Monitor and provide technical assistance to building principals or designee in processing complaints.

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The District's Compliance Officer shall:

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1. Coordinate efforts of the District to comply with this policy with regards to curriculum and materials, training, student access, district support, and student evaluation.

2. Develop and ensure the maintenance of a filing system to keep all records required under this policy.

3. Investigate any complaints of violations of this policy.

4. Administer the complaint procedure established in this policy.

5. Develop affirmative action programs as appropriate.

The building principal or designee shall be responsible to promptly complete the following duties upon receipt of a report when receiving a complaint 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.

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~~1-2~~ Inform the student or third party about this policy of the including the right to an investigation of both oral and written complaints of discrimination ~~file a complaint and the complaint procedure.~~

~~3.~~ Obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18). Inform the parents/guardians and students who are complainants or accused of violating this policy that s/he may be accompanied by a parent/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 investigation to that individual.

~~2-6.~~ 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.

~~3.~~ Notify the complainant and the accused of the progress at appropriate stages of the procedure.

~~4.~~ Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

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**Section 43 Guidelines**

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**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.

Pol. 806

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 acceptable, documented and the procedure of this policy implemented. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

**Step 2 – Investigation**

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

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

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

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the 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

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



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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/building principal~~ shall prepare a written report to the Compliance Officer within ~~twenty-five (20+5)~~ 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, additional time to complete the investigation is required, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint. 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 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

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~~written report. The accused shall not be notified of the individual remedies offered or provided to the complainant. Findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.~~

**Step 4 – District Action**

If the investigation results in a finding that ~~some or all of the allegations of the complaint are established and the complaint is factual and~~ constitutes a violation of this policy, the District shall take prompt, corrective action ~~designed~~ to ensure that such conduct ceases ~~and that not retaliation occurs and will not recur.~~

~~-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~~Discipline Code for students~~, 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 of no violation of~~ 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

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Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.

2. The individual receiving the appeal ~~Compliance Office~~ 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 ~~Compliance Officer~~ shall prepare a written response to the appeal within twentyfiveen (20+5) days. Copies of the response shall be provided to the complainant, the accused, and the investigator~~building principal~~ who conducted the investigation.

**Equivalence Between Schools**

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

~~Curriculum materials, instructional supplies, and percentages of highly qualified personnel shall be equivalent between all district schools when compared on a grade span by grade span basis or a school by school basis.~~

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

- ~~1. Changes in enrollment after the start of the school year.~~
- ~~2. Varying costs associated with providing services to students with disabilities.~~
- ~~3. Unexpected changes in personnel assignments occurring after the beginning of the school year.~~

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~~4. Expenditures on language instruction education programs.~~

~~5. Other expenditures from supplemental state or local funds consistent with the intent of Title I.~~

~~The District shall develop administrative regulations to implement this policy and shall maintain records documenting compliance that are updated biannually.~~

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

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.

~~No Child Left Behind Act – 20 U.S.C. Sec. 6321~~

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.~~

Federal Anti-Discrimination and Civil Rights Regulations – ~~29 CFR 1604.11, 1606.8, 28 CFR Part 35, Part 41, 34 CFR Part 100, Part 104, Part 106, Part 110~~

[U.S. Const. Amend. XIV, Equal Protection Clause](#)

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[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](#)

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KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 103.1

Section PROGRAMS

Title NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES

Adopted FEBRUARY 16, 2016

Revised \_\_\_\_\_

<p><b>Section 1</b></p>	<p style="text-align: center;"><b>POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</b></p> <p><b><u>Purpose</u></b></p> <p>The Board declares it to be the policy of this <a href="#">District</a> to ensure that all district programs and practices are free from discrimination against all qualified students with disabilities. The Board recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities.</p> <p>The District shall provide to each qualified student with a disability enrolled in the District, without cost to the student or parent/guardian, a free and appropriate public education (FAPE). This includes provision of education and related aids, services, or accommodations which are needed to afford each qualified student with a disability equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities without discrimination, to the same extent as each student without a disability, consistent with federal and state laws and regulations.</p> <p>The Board encourages students and parents/guardians who believe they have been subjected to discrimination or harassment to promptly report such incidents to designated employees.</p>	<p>Title 22 Sec. 4.4, 12.1, 12.4, 15.1 et seq. 29 U.S.C. Sec. 794 42 U.S.C. Sec. 12101 et seq. 28 CFR Part 35, <a href="#">36</a> 34 CFR Part 104 Pol. 103</p> <p>Pol. <a href="#">103, 104848</a></p>
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<p><b>Section 2</b></p>	<p><b>POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</b></p>	
	<p>The Board directs that complaints of discrimination or harassment shall be investigated promptly, and corrective action be taken for substantiated allegations. Confidentiality of all parties shall be maintained, consistent with the district’s legal and investigative obligations.</p>	
	<p>The District shall not intimidate, threaten, coerce, discriminate or retaliate against any individual for the purpose of interfering with any right or privilege secured by this policy.</p>	
	<p><b><u>Definitions</u></b></p> <p><b>Qualified student with a disability</b> - a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the district’s educational programs, nonacademic services or extracurricular activities.</p>	<p>Title 22 Sec. 15.2 42 U.S.C. Sec. 12102</p>
	<p><b>Section 504 Team</b> - a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors, psychologists, school nurses, outside care providers and the student’s parents/guardians.</p>	<p>Title 22 Sec. 15.1 et seq. 34 CFR Part 104</p>
<p><b>Section 504 Service Agreement (Service Agreement)</b> - an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school’s educational programs, nonacademic services, and extracurricular activities.</p>	<p>Title 22 Sec. 15.7</p>	
<p><b>Disability harassment</b> - intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student’s participation in or receipt of benefits, services, or opportunities in the school’s educational programs, nonacademic services, or extracurricular activities.</p>	<p>Pol. <a href="#">103248</a></p>	

<b>POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</b>		
<b>Section 3</b>	<p><b><u>Delegation of Responsibility</u></b></p> <p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Supervisor of Pupil Personnel as the District’s Section 504 Coordinator.</p> <p>In addition, each school within the District shall have a Section 504 building administrator which will be the building principal.</p> <p>The District shall publish and disseminate this policy and complaint procedure on or before the first day of each school year by posting it on the district’s website, if available, and in the student handbook. The District shall notify parents/guardians of students residing in the District of the district’s responsibilities under applicable laws and regulations, and that the District does not discriminate against qualified individuals with disabilities.</p>	<p>34 CFR Sec. 104.7</p> <p>Title 22 Sec. 15.4 34 CFR Sec. 104.32</p>
<b>Section 4</b>	<p><b><u>Guidelines</u></b></p> <p><b><u>Identification and Evaluation</u></b></p> <p>The District shall conduct an annual child find campaign to locate and identify every district student with a disability thought to be eligible for Section 504 services and protections. The District may combine this search with the district’s IDEA child find efforts, in order to not duplicate efforts.</p> <p>If a parent/guardian or the District has reason to believe that a student should be identified as a qualified student with a disability, should no longer be identified as a qualified student with a disability, or requires a change in or modification of the student’s current Service Agreement, the parent/guardian or the District shall provide the other party with written notice. <a href="#">Form 103.1-AR-4, available on the district website, may be used for parent/guardian requests for evaluation, termination, or modification of the student’s current Service Agreement.</a></p> <p>The District shall establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need related services because of a disability.</p>	<p>34 CFR Sec. 104.32 Pol. 113</p> <p>Title 22 Sec. 15.5, <a href="#">125.6</a> 34 CFR Sec. 104.35</p> <p>34 CFR Sec. 104.35</p>



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NONDISCRIMINATION – QUALIFIED STUDENTS  
WITH DISABILITIES**

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

34 CFR Sec. 104.35

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

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

Service Agreement

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

Title 22 Sec. 15.7

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

Title 22 Sec. 15.7

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

Title 22 Sec. 15.5

Educational Programs/Nonacademic Services/Extracurricular Activities

The District shall educate a qualified student with a disability with students who are not disabled to the maximum extent

Title 22 Sec. 15.3  
34 CFR Sec. 104.34

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appropriate to the needs of the student with a disability. A qualified student with a disability shall be removed from the regular educational environment only when the District determines that educating the student in the regular educational environment with the use of related aids, services, or accommodations cannot be achieved satisfactorily. Placement in a setting other than the regular educational environment shall take into account the proximity of the alternative setting to the student’s home.

The District shall not discriminate against any qualified student with a disability in its provision of nonacademic services and extracurricular activities, including but not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, and referrals to agencies which provide assistance to individuals with disabilities.

Discipline

When necessary, the District shall discipline qualified students with disabilities in accordance with state and federal laws and regulations and Board policies.

Parental Involvement

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

Confidentiality of Student Records

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

Title 22 Sec. 15.3  
34 CFR Sec.  
104.34, 104.37  
Pol. 112, [122](#), 123,  
810

Pol. 218, 233

Title 22 Sec. 15.6,  
15.7, 15.8  
34 CFR Sec. 104.35

Title 22 Sec. 15.9  
Pol. 216

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Referral to Law Enforcement and Reporting Requirements

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

SC 1303-A  
Title 22 Sec. 10.2  
35 P.S. Sec. 780-102

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a qualified student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school’s property, in accordance with state and federal laws and regulations the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies. The Superintendent or designee shall respond in a manner that is consistent with the student’s Service Agreement and Behavior Support Plan, if applicable.

SC 1302.1-A  
Title 22 Sec. 10.2, 10.21, 10.22, 10.23, 10.25, 15.2, 15.3, 15.7, 15.9  
Pol. [113.2](#), 218, 227, 250, 251, 823, 825

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

Title 22 Sec. 10.22, 15.1  
Pol. 103, 825

For a qualified student with a disability who does not have a Behavior Support Plan as part of the student’s Service Agreement, subsequent to notification to law enforcement, the District, in consultation with the student’s parent/guardian, shall consider whether a Behavior Support Plan should be developed as part of the Service Agreement to address the student’s behavior.

Title 22 Sec. 10.23, 15.7

SC 1303-A

	<p style="text-align: center;"><b>POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</b></p> <p>In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by qualified students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.</p> <p style="text-align: center;"><b>Procedural Safeguards</b></p> <p>The District shall establish and implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student’s parent/guardian, and a review procedure.</p> <p>A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.</p> <p><u>Parental Request for Assistance</u></p> <p>Parents/Guardians may file a written request for assistance with the Pennsylvania Department of Education (PDE) if one (1) or both of the following apply:</p> <ol style="list-style-type: none"> <li>1. The District is not providing the related aids, services and accommodations specified in the student’s Service Agreement.</li> <li>2. The District has failed to comply with the procedures and state regulations.</li> </ol> <p>PDE shall investigate and respond to requests for assistance and, unless exceptional circumstances exist, shall, within sixty (60) calendar days of receipt of the request, send to the parents/guardians and District a written response to the request. The response to the parents’/guardians’ request shall be in the parents’/guardians’ native language or mode of communication.</p>	<p>Pol. 825</p> <p>Title 22 Sec. 15.8 34 CFR Sec. 104.36</p> <p>Title 22 Sec. 15.6</p> <p>Title 22 Sec. 15.8</p> <p>Title 22 Sec. 15.8</p>
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NONDISCRIMINATION – QUALIFIED STUDENTS  
WITH DISABILITIES**

Informal Conference

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

Title 22 Sec. 15.8

Formal Due Process Hearing

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

Title 22 Sec.  
14.162, 15.8

Judicial Appeals

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

Title 22 Sec. 15.8

**Complaint Procedure**

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

Pol. 103

**Step 1 – Reporting**

A student or parent/guardian who believes s/he has been subject to conduct [by any student, employee or third party](#) that constitutes a violation of this policy is encouraged to immediately report the incident to the Section 504 building administrator. [Any person with knowledge of conduct that may](#)

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WITH DISABILITIES**

violate this policy, is encouraged to immediately report the matter to the Section 504 building administrator.

Pol. 806

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Section 504 building administrator, as well as properly making any mandatory police or child protective services reports required by law.

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

The complainant or reporting employee is encouraged to use the report form (103.1-AR-1) available online or from the Section 504 Coordinator or building administrator, but oral complaints shall be accepted, documented and the procedures of this policy implementedable. 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. Oral complaints shall be documented by the Section 504 Coordinator or building administrator.

**Step 2 – Investigation**

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

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

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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.

~~Upon receiving a complaint of discrimination, the Section 504 building administrator shall immediately notify the district's Section 504 Coordinator. The Section 504 Coordinator shall authorize the Section 504 building administrator to investigate the complaint, unless the Section 504 building administrator is the subject of the complaint or is unable to conduct the investigation.~~

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

If the investigation ~~reveals results in a determination~~ that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Section 504 Coordinator ~~or Section 504 building administrator, who~~ shall promptly inform law enforcement authorities about the ~~allegations~~incident.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the incident is pending or has been concluded. The investigator should coordinate with any other ongoing

Pol. 103, 806, 862  
18 Pa. C.S.A. 2709

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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~~ ~~Section 504 building administrator~~ shall prepare and submit a written report to the Section 504 Coordinator within ~~twentyfive~~ (2015) days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation and the availability of witnesses requires the investigator and the Section 504 Coordinator to establish a different due dateadditional time to complete the investigation is required. 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, and whether the conduct violated this policy and of any other violations of law or Board policy which may warrant further district actionit is a violation of this policy, and a recommended disposition of the complaint. An investigation into disability harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

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

**Step 4 – District Action**



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WITH DISABILITIES**

If the investigation results in a finding that some or all of the allegations of the complaint are established~~is factual~~ 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~~will not recur~~. The District shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Section 504 Coordinator shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

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

Disciplinary actions shall be consistent with the Code of Student Code of Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws.

Appeal Procedure

If the complainant or the accused is not satisfied with a finding made pursuant to~~of no violation of~~ the policy or with ~~the~~ recommended corrective action, s/he may submit a written appeal to the district's Section 504 Coordinator within fifteen (15) days.

The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The Section 504 Coordinator shall prepare a written response to the appeal within twenty~~fifteen~~ (20~~15~~) days. Copies of the

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response shall be provided to the complainant, the accused and the [investigator](#)-~~Section 504 building administrator~~ who conducted the initial investigation.

References:

School Code – 24 P.S. Sec. 1302.1-A, 1303-A

PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-102

State Board of Education Regulations – 22 PA Code Sec. 4.4, 10.2, 10.21, 10.22, 10.23, 10.25, 12.1, 12.4, 14.162, 15.1 ~~et seq.~~, [15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9](#)

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

Section 504 of the Rehabilitation Act of 1973 – 29 U.S.C. Sec 794

Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq., [12102](#)

Nondiscrimination on the Basis of Disability, Title 28, Code of Federal Regulations – 28 CFR Part 35, [36](#)

Family Educational Rights and Privacy Act, Title 34, Code of Federal Regulations – 34 CFR Part 99

Nondiscrimination on the Basis of Handicap, Title 34, Code of Federal Regulations – 34 CFR Part 104, [104.7, 104.32, 104.34, 104.35, 104.36, 104.37](#)

[Title 18 Crimes and Offenses – 18 Pa. C.S.A. 2709](#)

Board Policy – 103, [104](#), 112, 113, [113.2, 122](#), 123, -216, 218, 227, 233, ~~248~~, 250, 251, [806](#), 810, [815](#), 823, 825, ~~848862~~

|

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

*Please complete the form to the best of your knowledge of the situation that is being reported. If you are unsure of certain details, that field may be left blank.*

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

Alleged discrimination was based on: \_\_\_\_\_

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

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

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

When and where incident(s) occurred: \_\_\_\_\_

List any witnesses who were present: \_\_\_\_\_  
\_\_\_\_\_

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

## **PROCEDURAL SAFEGUARDS NOTIFICATION**

### **Dear Parent/Guardian:**

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

### **Parental Request For Assistance –**

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

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

Written requests should be addressed to:

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

### **Informal Conference –**

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

### **Formal Due Process Hearing –**

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

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

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

The following timeline applies to due process hearings:

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

### **Judicial Appeals –**

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

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

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**Please indicate the type of procedural safeguard you are requesting:**

Informal Conference

Formal Due Process Hearing

\_\_\_\_\_  
Parent(s)/Guardian(s) Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Section 504 Building Administrator Signature

\_\_\_\_\_  
Date

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

Student Information

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

Parent/Guardian Information

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Referral Information

The parent/guardian believes that the above named student:

**1. \_\_\_\_\_ should be identified as a qualified student with a disability.**

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

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

\_\_\_\_\_  
Describe the requested aids, services, or accommodations:

**2. \_\_\_\_\_ should no longer be identified as a qualified student with a disability.**

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

\_\_\_\_\_  
\_\_\_\_\_

**3. \_\_\_\_\_ requires a change or modification of his/her Service Agreement.**

The proposed change or modification of the Service Agreement is:

\_\_\_\_\_  
\_\_\_\_\_

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

Notice Of Rights

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

Verification

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



\_\_\_\_\_  
Parent(s)/Guardian(s) Signature

\_\_\_\_\_  
Date Submitted

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

Reviewed by: \_\_\_\_\_  
Name (Please Print) Title

Student's Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_ Class: \_\_\_\_\_

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

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Referred for Further Review \_\_\_\_\_

Reason Request Approved or Denied:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Signature - Reviewer**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature - Section 504 Building Administrator**

\_\_\_\_\_  
**Date**

Notice Of Rights

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

Procedural Safeguards

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

**PERMISSION TO EVALUATE – CONSENT FORM**

Student’s Name: \_\_\_\_\_

Name and Address of Parent/Guardian:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

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

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

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

\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Daytime Phone

**PLEASE RETURN THIS ENTIRE FORM TO:**

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

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

\_\_\_\_\_

\_\_\_\_\_

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

*Please complete the form to the best of your knowledge of the situation that is being reported. If you are unsure of certain details, that field may be left blank.*

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

Alleged discrimination was based on: \_\_\_\_\_

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

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

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

When and where incident(s) occurred: \_\_\_\_\_

List any witnesses who were present: \_\_\_\_\_  
\_\_\_\_\_

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 104

Section PROGRAMS

Title NONDISCRIMINATION IN EMPLOYMENT & CONTRACT PRACTICES

Adopted AUGUST 21, 1989

Revised JUNE 26, 2014; FEBRUARY 16, 1998

<p><b>Section 1</b></p>	<p style="text-align: center;"><b>POLICY NO. 104</b> <b>NONDISCRIMINATION IN EMPLOYMENT AND CONTRACT PRACTICES</b></p> <p style="text-align: center;"><b><u>THIS POLICY SHALL SUPERSEDE POLICY 848.</u></b></p> <p><b>Authority</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, <u>genetic information</u>, 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 encourages employees and third parties who <u>believe they or others</u> have been subject to discrimination to promptly report such incidents to designated employees.</p> <p>The Board directs that <u>verbal and written</u> complaints of discrimination shall be investigated promptly, and <u>appropriate</u> corrective action be taken when allegations are substantiated. <u>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.</u></p>	<p>43 P.S. Sec. 336.3, 951 et seq. <del>Title IX</del>, 20 U.S.C. Sec. 1681 et seq. 29 U.S.C. Sec. 206, 621 et seq., 794 42 U.S.C. Sec. 1981 et seq., <u>2000e et seq., 2000ff et seq., 12101 et seq.</u> <del>Title VII</del>, 42 U.S.C. Sec. <del>2000e et seq.</del> <del>42 U.S.C. Sec. 12101 et seq.</del> <u>U.S. Const. Amend. XIV</u> <u>Pol. 806, 817, 824</u></p>
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**POLICY NO. 104**  
**NONDISCRIMINATION IN EMPLOYMENT ~~AND~~**  
**~~CONTRACT PRACTICES~~**

Confidentiality

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

Retaliation

~~No reprisals or retaliation shall occur as a result of good faith charges of discrimination.~~ The Board prohibits retaliation against any person for making a report of discrimination or participating in a related investigation or hearing, or opposing practices the person reasonably believes to be discriminatory. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.

**Section 2**

**Definitions**

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, **harassment** shall consist 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 work 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 genetic

42 U.S.C. 2000ff et seq.  
29 CFR 1604.11,  
1606.8

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CONTRACT PRACTICES**

information, 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 work 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.

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 32 Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent as the District's Compliance Officer. The title and authority may be delegated to an administrative member. In the event that the title and authority is delegated to an administrative member, the delegated administrator will notify the Superintendent when a

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**NONDISCRIMINATION IN EMPLOYMENT ~~AND~~**  
**~~CONTRACT PRACTICES~~**

complaint is filed and during the investigation, and will file a completed report with the Superintendent.

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 through handbooks and on the District website. All nondiscrimination notices or information~~Such publication~~ shall include the name, office address, ~~and~~ telephone number and email address of the Compliance Officer designated in this policy.

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

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~~Development of~~ 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- Provision of training for supervisors and staff to prevent, identify and alleviate problems of employment discrimination. ~~Recruitment materials and practices.~~
3. Resources - Maintain and provide information to staff on resources available to alleged victims 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



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NONDISCRIMINATION IN EMPLOYMENT AND  
CONTRACT PRACTICES**

including counseling resources. Procedures for screening, interviewing, and hiring.

4. Promotions.

5.4. Complaints - Monitor and provide technical assistance to building principals or designees in processing complaints. Disciplinary actions, up to and including terminations.

The building principal, supervisor or designee shall be responsible to promptly complete the following duties upon receipt of a report when receiving a complaint 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 ~~of the right to an investigation of both verbal and written complaints of discrimination~~ file a complaint and the complaint procedure.
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 individuals, promptly implement interim measures as appropriate to protect the complainant and others as

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necessary from violation of this policy during the course of the investigation.

2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

**Section 43 Guidelines**

Complaint Procedure – Employee/Third Party

**Step 1 – Reporting**

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

If the building principal or supervisor is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer. The complainant or reporting employee is encouraged to use the report form (104-AR-1) available on the District website, from the building principal or the administrative office, or to put the complaint in writing; however, but oral complaints shall be acceptable, 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.

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**Step 2 – Investigation**

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

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

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused shall be provided the opportunity to present witnesses and other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place outside of school or school-sponsored activities, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

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

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the ~~allegations~~ incident. 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

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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;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~~building principal shall prepare and submit a written report ~~to the Compliance Officer~~ within ~~twenty-five~~ (2045) 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. ~~additional time to complete the investigation is required, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.~~

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

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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. Findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

**Step 4 – District Action**

If the investigation results in a finding that some or all of the allegations of the complaint are established~~is factual~~ 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~~will not recur~~. The District shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

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

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

Appeal Procedure

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1. If the complainant or the accused is not satisfied with a finding made pursuant to ~~of no violation of~~ the policy or with recommended 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 Compliance Office 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 Compliance Officer shall prepare a written response to the appeal within twentyfifteen (20+5) days. Copies of the response shall be provided to the complainant, the accused, and the investigator building principal who conducted the initial investigation.

References:

~~Human Relations Commission Regulations – 16 PA Code Sec. 44.1 et seq.~~

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

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.

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

Federal Anti-Discrimination and Civil Rights Regulations, ~~Title 28, Code of Federal Regulations – 29 CFR 1604.11, 1606.828~~  
~~CFR Sec. 35.140, Part 41~~

~~Federal Equal Employment Opportunity Commission Regulations, Title 29, Code of Federal Regulations – 29 CFR Parts 1600-1691~~  
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

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

*Please complete the form to the best of your knowledge of the situation that is being reported. If you are unsure of certain details, that field may be left blank.*

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

Alleged discrimination was based on: \_\_\_\_\_

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

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

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

When and where incident(s) occurred: \_\_\_\_\_

List any witnesses who were present: \_\_\_\_\_  
\_\_\_\_\_

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 228

Section PUPILS

Title STUDENT GOVERNMENT

Adopted OCTOBER 19, 1998

Revised \_\_\_\_\_

POLICY NO. 228 STUDENT GOVERNMENT	
Section 1	<p><b><u>Purpose</u></b></p> <p>The Board acknowledges the importance of offering students the opportunity to participate in self-government within the <del>establishment of the</del> schools.</p> <p><u>The purpose of student government shall be to develop student leadership, provide a learning experience in democratic decision-making, and offer another avenue toward the realization of district goals.</u></p>
Section 2	<p><b><u>Authority</u></b></p> <p><del>Students-</del>The Board establishes that <del>students</del> shall have the right to organize, conduct meetings, elect officers, and representatives, and petition the <u>School Principal, the Superintendent, and</u> Board.</p> <p><del>The Board will recognize the Student Council as the official voice of the student body for the purpose of developing student leadership, providing a learning experience in democratic decision-making, and offering another avenue toward the realization of the goals of this District.</del></p> <p>The Board <del>may shall</del> appoint <del>a one or more</del> qualified member(s) of the faculty to serve as adviser to <del>students</del> government activities.</p>
Section 3	<p><b><u>Delegation of Responsibility</u></b></p>

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SC 511

SC 511-(e)

**POLICY NO. 228  
STUDENT GOVERNMENT**

The Superintendent or designee shall establish rules and regulations to implement this policy which:

1. Invite the participation of students in their formulation.
2. Assure that all students have equal access to the student government and an equal opportunity to vote and hold office. ~~and~~
3. Require fiscal accountability and adherence to Board policy for all financial aspects of student government activity.
4. Require that decisions made and actions taken by the student government organization, be in accordance with existing district policies and procedures.
3. —

References:

School Code – 24 P.S. Sec. 511

Board Policy – 618

SC 511-~~(4)~~  
Pol. 618

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KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 103

Section PROGRAMS

Title NONDISCRIMINATION  
IN SCHOOL & CLASSROOM  
PRACTICES

Adopted AUGUST 21, 1989

Revised JUNE 26, 2014;  
FEBRUARY 16, 1998

<p>Section 1</p>	<p style="text-align: center;"><b>POLICY NO. 103 NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES</b></p> <p style="text-align: center;"><b>THIS POLICY SHALL SUPERSEDE POLICY 248.</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 offered in the schools <b>without discrimination on the basis <del>regardless</del></b> 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 District strives to maintain a safe, positive learning environment for all students that is free from discrimination. Discrimination is inconsistent with the educational and programmatic goals of the District and is prohibited on school grounds, at school-sponsored activities and on any conveyance providing transportation to or from a school entity or school-sponsored activity.</p> <p>The District shall provide to all students, without discrimination, course offerings, counseling, assistance, <b>services</b>, employment, athletics and extracurricular activities. <del>The equitable distribution of district resources is one means the District shall use to ensure all students receive a quality education.</del> The District shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent</p>	<p>SC 1301-A, 1310, 1601-C et seq. Title 22 Sec. 4.4, 12.1.12.4, 15.1 et seq. 24 P.S. Sec. 5004 43 P.S. Sec. 951 et seq. <del>Title IX</del> 20 U.S.C. Sec. 1681 et seq., <del>6321</del> 29 U.S.C. Sec. 794 <del>Title VI</del> 42 U.S.C Sec. 2000d et seq., 12101 et seq., 1981 et seq. Pol. 103.1, 218, 247, 249 U.S. Const. Amend. XIV</p>
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**POLICY NO. 103  
NONDISCRIMINATION IN SCHOOL AND  
CLASSROOM PRACTICES**

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 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.

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

The Board prohibits retaliation against any person for making a report of discrimination or participating in a related investigation or hearing, or opposing practices the person reasonably believes to be discriminatory. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination. ~~No reprisals or retaliation shall occur as a result of good faith charges of discrimination.~~

~~For information regarding programs, services, activities and facilities that are accessible to and usable by disabled persons or for inquiries regarding civil rights compliance contact:~~

~~Coordinator of Pupil Personnel Services Keystone Oaks School District  
1000 Kelton Avenue  
Pittsburgh, PA 15216  
412/571-6013~~

~~or~~

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~~Director of the Office of Civil Rights  
Department of Education  
Washington, DC~~

**Section 2**

**Definitions**

**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, **harassment** shall consist 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.

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

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Sexual Harassment

Sexual harassment is a form of discrimination on the basis of sex and is subject to this policy. For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, graphic or physical conduct of a sexual nature when:

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
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 32** **Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices

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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 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 notices or information shall include the position, ~~Such publication shall include~~ the name, office address, ~~and~~ telephone number [and email address](#) of the Compliance Officer designated in this policy.

The Compliance Officer 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:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provision 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, such as making reports to the police, 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

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regulation.

5. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related areas.
6. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.
7. Complaints - Monitor and provide technical assistance to building principals or designee in processing complaints.

~~The District's Compliance Officer shall:~~

- ~~1. Coordinate efforts of the District to comply with this policy with regards to curriculum and materials, training, student access, district support, and student evaluation.~~
- ~~2. Develop and ensure the maintenance of a filing system to keep all records required under this policy.~~
- ~~3. Investigate any complaints of violations of this policy.~~
- ~~4. Administer the complaint procedure established in this policy.~~
- ~~5. Develop affirmative action programs as appropriate.~~

The building principal or designee shall be responsible to promptly complete the following duties upon receipt of a report ~~when receiving a complaint~~ 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.
- ~~1.2.~~ Inform the student or third party about this policy ~~of the~~ including the right to an investigation of both oral and written complaints of discrimination ~~file a complaint and~~



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~~the complaint procedure.~~

3. Obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18). Inform the parents/guardians and students who are complainants or accused of violating this policy that s/he may be accompanied by a parent/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 investigation to that individual.
- ~~2.6.~~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.
- ~~3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.~~
- ~~4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.~~

**Section 43 Guidelines**

**Step 1 – Reporting**

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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 dDistrict website, from the building principal or the administrative office, but oral complaints shall be acceptedable, documented and the procedure of this policy implemented. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

**Step 2 – Investigation**

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

The investigator shall work with the Compliance Officer to assess the anticipated scope of the investigation, who needs to be

Pol. 806

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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.

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

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

The person making the report, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the 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

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

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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~~building principal~~ shall prepare a written report to the Compliance Officer within twenty~~fifteen~~ (20~~15~~) 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. ~~additional time to complete the investigation is required, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.~~ 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 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. ~~Findings of the investigation shall be provided to the complainant, the accused,~~

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~~and the Compliance Officer.~~

**Step 4 – District Action**

If the investigation results in a finding that some or all of the allegations of the complaint are established and ~~the complaint is factual 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 ~~and will not recur.~~

-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 ~~Discipline Code for students~~, 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 ~~of no violation of~~ 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 ~~Compliance Office~~

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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 ~~Compliance Officer~~ shall prepare a written response to the appeal within ~~twenty~~<sup>fifteen</sup> (20~~15~~) days. Copies of the response shall be provided to the complainant, the accused, and the ~~investigator~~<sup>building principal</sup> who conducted the investigation.

**~~Equivalence Between Schools~~**

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

~~Curriculum materials, instructional supplies, and percentages of highly qualified personnel shall be equivalent between all district schools when compared on a grade span by grade span basis or a school by school basis.~~

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

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

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~~The District shall develop administrative regulations to implement this policy and shall maintain records documenting compliance that are updated biannually.~~

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

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. Sec. 951 et seq.

~~No Child Left Behind Act – 20 U.S.C. Sec. 6321~~

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.](#)

Federal Anti-Discrimination and Civil Rights Regulations – [29 CFR 1604.11](#), [1606.8](#), ~~28 CFR Part 35, Part 41, 34 CFR Part 100, Part 104, Part 106, Part 110~~

[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)

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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



KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 103.1

Section PROGRAMS

Title NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES

Adopted FEBRUARY 16, 2016

Revised \_\_\_\_\_

<p><b>Section 1</b></p>	<p style="text-align: center;"><b>POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</b></p> <p><b><u>Purpose</u></b></p> <p>The Board declares it to be the policy of this <a href="#">District</a> to ensure that all district programs and practices are free from discrimination against all qualified students with disabilities. The Board recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities.</p> <p>The District shall provide to each qualified student with a disability enrolled in the District, without cost to the student or parent/guardian, a free and appropriate public education (FAPE). This includes provision of education and related aids, services, or accommodations which are needed to afford each qualified student with a disability equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities without discrimination, to the same extent as each student without a disability, consistent with federal and state laws and regulations.</p> <p>The Board encourages students and parents/guardians who believe they have been subjected to discrimination or harassment to promptly report such incidents to designated employees.</p>	<p>Title 22 Sec. 4.4, 12.1, 12.4, 15.1 et seq. 29 U.S.C. Sec. 794 42 U.S.C. Sec. 12101 et seq. 28 CFR Part 35, <a href="#">36</a> 34 CFR Part 104 Pol. 103</p> <p>Pol. <a href="#">103, 104848</a></p>
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<p><b>Section 2</b></p>	<p><b>POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</b></p>	
	<p>The Board directs that complaints of discrimination or harassment shall be investigated promptly, and corrective action be taken for substantiated allegations. Confidentiality of all parties shall be maintained, consistent with the district’s legal and investigative obligations.</p>	
	<p>The District shall not intimidate, threaten, coerce, discriminate or retaliate against any individual for the purpose of interfering with any right or privilege secured by this policy.</p>	
	<p><b><u>Definitions</u></b></p>	
	<p><b>Qualified student with a disability</b> - a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the district’s educational programs, nonacademic services or extracurricular activities.</p>	<p>Title 22 Sec. 15.2 42 U.S.C. Sec. 12102</p>
<p><b>Section 504 Team</b> - a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors, psychologists, school nurses, outside care providers and the student’s parents/guardians.</p>	<p>Title 22 Sec. 15.1 et seq. 34 CFR Part 104</p>	
<p><b>Section 504 Service Agreement (Service Agreement)</b> - an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school’s educational programs, nonacademic services, and extracurricular activities.</p>	<p>Title 22 Sec. 15.7</p>	
<p><b>Disability harassment</b> - intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student’s participation in or receipt of benefits, services, or opportunities in the school’s educational programs, nonacademic services, or extracurricular activities.</p>	<p>Pol. <a href="#">103248</a></p>	

<b>POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</b>		
<b>Section 3</b>	<p><b><u>Delegation of Responsibility</u></b></p> <p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Supervisor of Pupil Personnel as the District’s Section 504 Coordinator.</p> <p>In addition, each school within the District shall have a Section 504 building administrator which will be the building principal.</p> <p>The District shall publish and disseminate this policy and complaint procedure on or before the first day of each school year by posting it on the district’s website, if available, and in the student handbook. The District shall notify parents/guardians of students residing in the District of the district’s responsibilities under applicable laws and regulations, and that the District does not discriminate against qualified individuals with disabilities.</p>	<p>34 CFR Sec. 104.7</p> <p>Title 22 Sec. 15.4 34 CFR Sec. 104.32</p>
<b>Section 4</b>	<p><b><u>Guidelines</u></b></p> <p><b><u>Identification and Evaluation</u></b></p> <p>The District shall conduct an annual child find campaign to locate and identify every district student with a disability thought to be eligible for Section 504 services and protections. The District may combine this search with the district’s IDEA child find efforts, in order to not duplicate efforts.</p> <p>If a parent/guardian or the District has reason to believe that a student should be identified as a qualified student with a disability, should no longer be identified as a qualified student with a disability, or requires a change in or modification of the student’s current Service Agreement, the parent/guardian or the District shall provide the other party with written notice. <a href="#">Form 103.1-AR-4, available on the district website, may be used for parent/guardian requests for evaluation, termination, or modification of the student’s current Service Agreement.</a></p> <p>The District shall establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need related services because of a disability.</p>	<p>34 CFR Sec. 104.32 Pol. 113</p> <p>Title 22 Sec. 15.5, <a href="#">125.6</a> 34 CFR Sec. 104.35</p> <p>34 CFR Sec. 104.35</p>

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

34 CFR Sec. 104.35

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

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

Service Agreement

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

Title 22 Sec. 15.7

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

Title 22 Sec. 15.7

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

Title 22 Sec. 15.5

Educational Programs/Nonacademic Services/Extracurricular Activities

The District shall educate a qualified student with a disability with students who are not disabled to the maximum extent

Title 22 Sec. 15.3  
34 CFR Sec. 104.34

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appropriate to the needs of the student with a disability. A qualified student with a disability shall be removed from the regular educational environment only when the District determines that educating the student in the regular educational environment with the use of related aids, services, or accommodations cannot be achieved satisfactorily. Placement in a setting other than the regular educational environment shall take into account the proximity of the alternative setting to the student’s home.

The District shall not discriminate against any qualified student with a disability in its provision of nonacademic services and extracurricular activities, including but not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, and referrals to agencies which provide assistance to individuals with disabilities.

Discipline

When necessary, the District shall discipline qualified students with disabilities in accordance with state and federal laws and regulations and Board policies.

Parental Involvement

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

Confidentiality of Student Records

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

Title 22 Sec. 15.3  
34 CFR Sec.  
104.34, 104.37  
Pol. 112, [122](#), 123,  
810

Pol. 218, 233

Title 22 Sec. 15.6,  
15.7, 15.8  
34 CFR Sec. 104.35

Title 22 Sec. 15.9  
Pol. 216

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Referral to Law Enforcement and Reporting Requirements

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

SC 1303-A  
Title 22 Sec. 10.2  
35 P.S. Sec. 780-102

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a qualified student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school’s property, in accordance with state and federal laws and regulations the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies. The Superintendent or designee shall respond in a manner that is consistent with the student’s Service Agreement and Behavior Support Plan, if applicable.

SC 1302.1-A  
Title 22 Sec. 10.2, 10.21, 10.22, 10.23, 10.25, 15.2, 15.3, 15.7, 15.9  
Pol. [113.2](#), 218, 227, 250, 251, 823, 825

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

Title 22 Sec. 10.22, 15.1  
Pol. 103, 825

For a qualified student with a disability who does not have a Behavior Support Plan as part of the student’s Service Agreement, subsequent to notification to law enforcement, the District, in consultation with the student’s parent/guardian, shall consider whether a Behavior Support Plan should be developed as part of the Service Agreement to address the student’s behavior.

Title 22 Sec. 10.23, 15.7

SC 1303-A

	<p style="text-align: center;"><b>POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</b></p> <p>In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by qualified students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.</p> <p style="text-align: center;"><b>Procedural Safeguards</b></p> <p>The District shall establish and implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student’s parent/guardian, and a review procedure.</p> <p>A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.</p> <p><u>Parental Request for Assistance</u></p> <p>Parents/Guardians may file a written request for assistance with the Pennsylvania Department of Education (PDE) if one (1) or both of the following apply:</p> <ol style="list-style-type: none"> <li>1. The District is not providing the related aids, services and accommodations specified in the student’s Service Agreement.</li> <li>2. The District has failed to comply with the procedures and state regulations.</li> </ol> <p>PDE shall investigate and respond to requests for assistance and, unless exceptional circumstances exist, shall, within sixty (60) calendar days of receipt of the request, send to the parents/guardians and District a written response to the request. The response to the parents’/guardians’ request shall be in the parents’/guardians’ native language or mode of communication.</p>	<p>Pol. 825</p> <p>Title 22 Sec. 15.8 34 CFR Sec. 104.36</p> <p>Title 22 Sec. 15.6</p> <p>Title 22 Sec. 15.8</p> <p>Title 22 Sec. 15.8</p>
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Informal Conference

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

Title 22 Sec. 15.8

Formal Due Process Hearing

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

Title 22 Sec.  
14.162, 15.8

Judicial Appeals

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

Title 22 Sec. 15.8

**Complaint Procedure**

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

Pol. 103

**Step 1 – Reporting**

A student or parent/guardian who believes s/he has been subject to conduct [by any student, employee or third party](#) that constitutes a violation of this policy is encouraged to immediately report the incident to the Section 504 building administrator. [Any person with knowledge of conduct that may](#)



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violate this policy, is encouraged to immediately report the matter to the Section 504 building administrator.

Pol. 806

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Section 504 building administrator, as well as properly making any mandatory police or child protective services reports required by law.

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

The complainant or reporting employee is encouraged to use the report form (103.1-AR-1) available online or from the Section 504 Coordinator or building administrator, but oral complaints shall be accepted, documented and the procedures of this policy implementedable. 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. Oral complaints shall be documented by the Section 504 Coordinator or building administrator.

**Step 2 – Investigation**

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

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

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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.

~~Upon receiving a complaint of discrimination, the Section 504 building administrator shall immediately notify the district's Section 504 Coordinator. The Section 504 Coordinator shall authorize the Section 504 building administrator to investigate the complaint, unless the Section 504 building administrator is the subject of the complaint or is unable to conduct the investigation.~~

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

If the investigation ~~reveals results in a determination~~ that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Section 504 Coordinator ~~or Section 504 building administrator, who~~ shall promptly inform law enforcement authorities about the ~~allegations~~incident.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the incident is pending or has been concluded. The investigator should coordinate with any other ongoing

Pol. 103, 806, 862  
18 Pa. C.S.A. 2709

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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~~ ~~Section 504 building administrator~~ shall prepare and submit a written report to the Section 504 Coordinator within ~~twentyfive~~ (2015) days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation and the availability of witnesses requires the investigator and the Section 504 Coordinator to establish a different due dateadditional time to complete the investigation is required. 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, and whether the conduct violated this policy and of any other violations of law or Board policy which may warrant further district actionit is a violation of this policy, and a recommended disposition of the complaint. An investigation into disability harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

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

**Step 4 – District Action**

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If the investigation results in a finding that some or all of the allegations of the complaint are established~~is factual~~ 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~~will not recur~~. The District shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Section 504 Coordinator shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

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

Disciplinary actions shall be consistent with the Code of Student Code of Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws.

Appeal Procedure

If the complainant or the accused is not satisfied with a finding made pursuant to~~of no violation of~~ the policy or with ~~the~~ recommended corrective action, s/he may submit a written appeal to the district's Section 504 Coordinator within fifteen (15) days.

The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The Section 504 Coordinator shall prepare a written response to the appeal within twenty~~fifteen~~ (2015) days. Copies of the

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response shall be provided to the complainant, the accused and the [investigator](#)-~~Section 504 building administrator~~ who conducted the initial investigation.

References:

School Code – 24 P.S. Sec. 1302.1-A, 1303-A

PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-102

State Board of Education Regulations – 22 PA Code Sec. 4.4, 10.2, 10.21, 10.22, 10.23, 10.25, 12.1, 12.4, 14.162, 15.1-~~et seq.~~, [15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9](#)

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

Section 504 of the Rehabilitation Act of 1973 – 29 U.S.C. Sec 794

Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq., [12102](#)

Nondiscrimination on the Basis of Disability, Title 28, Code of Federal Regulations – 28 CFR Part 35, [36](#)

Family Educational Rights and Privacy Act, Title 34, Code of Federal Regulations – 34 CFR Part 99

Nondiscrimination on the Basis of Handicap, Title 34, Code of Federal Regulations – 34 CFR Part 104, [104.7, 104.32, 104.34, 104.35, 104.36, 104.37](#)

[Title 18 Crimes and Offenses – 18 Pa. C.S.A. 2709](#)

Board Policy – 103, [104](#), 112, 113, [113.2, 122](#), 123, -216, 218, 227, 233, ~~248~~, 250, 251, [806](#), 810, [815](#), 823, 825, ~~848862~~

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

*Please complete the form to the best of your knowledge of the situation that is being reported. If you are unsure of certain details, that field may be left blank.*

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

Alleged discrimination was based on: \_\_\_\_\_

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

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

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

When and where incident(s) occurred: \_\_\_\_\_

List any witnesses who were present: \_\_\_\_\_  
\_\_\_\_\_

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

## **PROCEDURAL SAFEGUARDS NOTIFICATION**

### **Dear Parent/Guardian:**

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

### **Parental Request For Assistance –**

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

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

Written requests should be addressed to:

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

### **Informal Conference –**

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

### **Formal Due Process Hearing –**

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

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



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

The following timeline applies to due process hearings:

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

### **Judicial Appeals –**

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

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

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**Please indicate the type of procedural safeguard you are requesting:**

Informal Conference

Formal Due Process Hearing

---

Parent(s)/Guardian(s) Signature

---

Date

---

Section 504 Building Administrator Signature

---

Date

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

Student Information

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

Parent/Guardian Information

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Referral Information

The parent/guardian believes that the above named student:

**1. \_\_\_\_\_ should be identified as a qualified student with a disability.**

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

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

\_\_\_\_\_  
Describe the requested aids, services, or accommodations:

**2. \_\_\_\_\_ should no longer be identified as a qualified student with a disability.**

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

\_\_\_\_\_  
\_\_\_\_\_

**3. \_\_\_\_\_ requires a change or modification of his/her Service Agreement.**

The proposed change or modification of the Service Agreement is:

\_\_\_\_\_  
\_\_\_\_\_

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

Notice Of Rights

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

Verification

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

\_\_\_\_\_  
Parent(s)/Guardian(s) Signature

\_\_\_\_\_  
Date Submitted

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

Reviewed by: \_\_\_\_\_  
Name (Please Print) Title

Student's Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_ Class: \_\_\_\_\_

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

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Referred for Further Review \_\_\_\_\_

Reason Request Approved or Denied:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Signature - Reviewer**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature - Section 504 Building Administrator**

\_\_\_\_\_  
**Date**

Notice Of Rights

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

Procedural Safeguards

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

**PERMISSION TO EVALUATE – CONSENT FORM**

Student’s Name: \_\_\_\_\_

Name and Address of Parent/Guardian:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

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

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

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

\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Daytime Phone

**PLEASE RETURN THIS ENTIRE FORM TO:**

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

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

\_\_\_\_\_

\_\_\_\_\_

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

*Please complete the form to the best of your knowledge of the situation that is being reported. If you are unsure of certain details, that field may be left blank.*

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

Alleged discrimination was based on: \_\_\_\_\_

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

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

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

When and where incident(s) occurred: \_\_\_\_\_

List any witnesses who were present: \_\_\_\_\_  
\_\_\_\_\_

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 104

Section PROGRAMS

Title NONDISCRIMINATION IN EMPLOYMENT & CONTRACT PRACTICES

Adopted AUGUST 21, 1989

Revised JUNE 26, 2014;  
FEBRUARY 16, 1998

	<p style="text-align: center;"><b>POLICY NO. 104</b> <b>NONDISCRIMINATION IN EMPLOYMENT <del>AND</del></b> <b><del>CONTRACT PRACTICES</del></b></p> <p style="text-align: center;"><b><u>THIS POLICY SHALL SUPERSEDE POLICY 848.</u></b></p> <p><b>Section 1</b>     <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, <u>genetic information</u>, 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 encourages employees and third parties who <u>believe they or others</u> have been subject to discrimination to promptly report such incidents to designated employees.</p> <p>The Board directs that <u>verbal and written</u> complaints of discrimination shall be investigated promptly, and <u>appropriate</u> corrective action be taken when allegations are substantiated. <u>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.</u></p>	<p>43 P.S. Sec. 336.3, 951 et seq. <del>Title IX,</del> 20 U.S.C. Sec. 1681 et seq. 29 U.S.C. Sec. 206, 621 et seq., 794 42 U.S.C. Sec. 1981 et seq., <u>2000e et seq., 2000ff et seq., 12101 et seq.</u> <del>Title VII, 42 U.S.C. Sec. 2000e et seq. 42 U.S.C. Sec. 12101 et seq.</del> <u>U.S. Const. Amend. XIV</u> <u>Pol. 806, 817, 824</u></p>
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Confidentiality

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

Retaliation

~~No reprisals or retaliation shall occur as a result of good faith charges of discrimination.~~ The Board prohibits retaliation against any person for making a report of discrimination or participating in a related investigation or hearing, or opposing practices the person reasonably believes to be discriminatory. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.

**Section 2**

**Definitions**

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, **harassment** shall consist 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 work 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 genetic

42 U.S.C. 2000ff et seq.  
29 CFR 1604.11,  
1606.8

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information, 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 work 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.

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 32** **Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent as the District's Compliance Officer. The title and authority may be delegated to an administrative member. In the event that the title and authority is delegated to an administrative member, the delegated administrator will notify the Superintendent when a

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complaint is filed and during the investigation, and will file a completed report with the Superintendent.

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 through handbooks and on the District website. All nondiscrimination notices or information~~Such publication~~ shall include the name, office address, ~~and~~ telephone number and email address of the Compliance Officer designated in this policy.

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

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~~Development of~~ 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- Provision of training for supervisors and staff to prevent, identify and alleviate problems of employment discrimination. ~~Recruitment materials and practices.~~
3. Resources - Maintain and provide information to staff on resources available to alleged victims 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

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including counseling resources. Procedures for screening, interviewing, and hiring.

4. Promotions.

5.4. Complaints - Monitor and provide technical assistance to building principals or designees in processing complaints. Disciplinary actions, up to and including terminations.

The building principal, supervisor or designee shall be responsible to promptly complete the following duties upon receipt of a report when receiving a complaint 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 ~~of the right to an investigation of both verbal and written complaints of discrimination~~ file a complaint and the complaint procedure.
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 individuals, promptly implement interim measures as appropriate to protect the complainant and others as

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necessary from violation of this policy during the course of the investigation.

2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

**Section 43 Guidelines**

Complaint Procedure – Employee/Third Party

**Step 1 – Reporting**

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

If the building principal or supervisor is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer. The complainant or reporting employee is encouraged to use the report form (104-AR-1) available on the dDistrict website, from the building principal or the administrative office, or to put the complaint in writing; however, but oral complaints shall be acceptable, 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.

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**Step 2 – Investigation**

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

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

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused shall be provided the opportunity to present witnesses and other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place outside of school or school-sponsored activities, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

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

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the ~~allegations~~incident. 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

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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;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~~building principal shall prepare and submit a written report to the Compliance Officer within ~~twenty-five~~ (2045) 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.~~additional time to complete the investigation is required, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.~~

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

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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. Findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

**Step 4 – District Action**

If the investigation results in a finding that some or all of the allegations of the complaint are established~~is factual~~ 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~~will not recur~~. The District shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

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

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

Appeal Procedure

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1. If the complainant or the accused is not satisfied with a finding ~~made pursuant to of no violation of~~ the policy or with ~~recommended 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 ~~Compliance Office~~ 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 ~~Compliance Officer~~ shall prepare a written response to the appeal within twentyfiveen (20+5) days. Copies of the response shall be provided to the complainant, the accused, and the investigator ~~building principal~~ who conducted the initial investigation.

References:

~~Human Relations Commission Regulations – 16 PA Code Sec. 44.1 et seq.~~

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

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.

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

Federal Anti-Discrimination and Civil Rights Regulations, ~~Title 28, Code of Federal Regulations – 29 CFR 1604.11, 1606.828~~  
~~CFR Sec. 35.140, Part 41~~

~~Federal Equal Employment Opportunity Commission Regulations, Title 29, Code of Federal Regulations – 29 CFR Parts 1600-1691~~  
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

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

*Please complete the form to the best of your knowledge of the situation that is being reported. If you are unsure of certain details, that field may be left blank.*

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

Alleged discrimination was based on: \_\_\_\_\_

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

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

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

When and where incident(s) occurred: \_\_\_\_\_

List any witnesses who were present: \_\_\_\_\_  
\_\_\_\_\_

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 228

Section PUPILS

Title STUDENT GOVERNMENT

Adopted OCTOBER 19, 1998

Revised \_\_\_\_\_

POLICY NO. 228 STUDENT GOVERNMENT	
Section 1	<p><b><u>Purpose</u></b></p> <p>The Board acknowledges the importance of offering students the opportunity to participate in self-government within the <del>establishment of the</del> schools.</p> <p><u>The purpose of student government shall be to develop student leadership, provide a learning experience in democratic decision-making, and offer another avenue toward the realization of district goals.</u></p>
Section 2	<p><b><u>Authority</u></b></p> <p><del>Students-</del>The Board establishes that <del>students</del> shall have the right to organize, conduct meetings, elect officers, and representatives, and petition the <del>School Principal, the Superintendent, and</del> Board.</p> <p><del>The Board will recognize the Student Council as the official voice of the student body for the purpose of developing student leadership, providing a learning experience in democratic decision-making, and offering another avenue toward the realization of the goals of this District.</del></p> <p>The Board <del>may shall</del> appoint <del>a one or more</del> qualified member(s) of the faculty to serve as adviser to <del>students</del> government activities.</p>
Section 3	<p><b><u>Delegation of Responsibility</u></b></p>

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SC 511

SC 511-(e)

**POLICY NO. 228  
STUDENT GOVERNMENT**

The Superintendent or designee shall establish rules and regulations to implement this policy which:

1. Invite the participation of students in their formulation.
2. Assure that all students have equal access to the student government and an equal opportunity to vote and hold office. ~~and~~
3. Require fiscal accountability and adherence to Board policy for all financial aspects of student government activity.
4. Require that decisions made and actions taken by the student government organization, be in accordance with existing district policies and procedures.
3. —

References:

School Code – 24 P.S. Sec. 511

Board Policy – 618

SC 511-~~(d)~~  
Pol. 618

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