



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

BOARD OF SCHOOL DIRECTORS

**WORK SESSION
TUESDAY, SEPTEMBER 10, 2024
7:00 PM**

**BUSINESS/LEGISLATIVE SESSION
TUESDAY, SEPTEMBER 17, 2024
7:00 PM**

KEYSTONE OAKS SCHOOL DISTRICT SCHOOL DIRECTORS' CALENDAR OF EVENTS

Tuesday, September 10, 2024 – Work Session

7:00 PM Meeting

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

Tuesday, September 17, 2024 – Business/Legislative

7:00 PM Meeting

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

BOARD PRESIDENT’S REPORT

SEPTEMBER 17, 2024

Mrs. Tamara Donahue

BOARD ACTION REQUESTED

I. BOARD MINUTES

It is recommended that the Board approve the Work Session Minutes of August 13, 2024 and the Business/Legislative Minutes of August 20, 2024.

II. VOTING OF PSBA OFFICERS

It is recommended that the Board approve the following candidates for the respective positions:

2025 President-Elect (one-year term)	Sabrina Backer, Franklin Area School District
2025 Vice President (one-year term)	Matt Vannoy, Sharon City School District
2025-2027 PSBA Eastern Zone Representative (three-year term)	Holly Arnold, Tunkhannock Area School District
2025-2026 Western Zone Representative (two-year term)	Kristy Bolte, Northwestern School District
PSBA Insurance Trustees (three candidates, three-year term)	Nathan G. Mains Richard Frerichs William S. LaCoff

FOR INFORMATION ONLY

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|-------------|--|--------------------------|
| I. | Parkway West Career and Technology Center Report | <i>Mrs. Shaw</i> |
| II. | SHASDA Report | <i>Mr. Raso</i> |
| III. | PSBA/Legislative Report | <i>Mrs. Lydon</i> |
| IV. | News from the Boroughs | |
| V. | EXECUTIVE SESSION | |

SUPERINTENDENT'S REPORT

SEPTEMBER 17, 2024

Dr. William P. Stropkaj

BOARD ACTION REQUESTED

I. CONFIDENTIAL ADMINISTRATIVE ASSISTANT

It is recommended that the Board appoint **Ms. Sabrina Amman** as a Confidential Administrative Assistant, effective September 9, 2024 at a salary of \$42,500.00 through the 2024/2025 school year.

II. FIRST READING POLICY 103: DISCRIMINATION/HARASSMENT AFFECTING STUDENTS

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

III. FIRST READING POLICY 103.1: NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES

It is recommended that the Board approve the FIRST READING of 103.1: *Nondiscrimination – Qualified Students with Disabilities*.

IV. FIRST READING POLICY 104: DISCRIMINATION/HARASSMENT AFFECTING STAFF

It is recommended that the Board approve the FIRST READING of Policy 104: *Discrimination/Harassment Affecting Staff*.

V. FIRST READING POLICY 210: MEDICATIONS

It is recommended that the Board approve the FIRST READING of Policy 210: *Medications*.

VI. PROJECT SUCCEED CONTRACTS

It is recommended that the Board approve the following school districts for participation in Project Succeed for the 2024/2025 school year:

Baldwin-Whitehall School District
Brentwood Borough School District
Carlynton School District
Mt. Lebanon School District
Quaker Valley School District

VII. PROFESSIONAL DEVELOPMENT

It is recommended that the Board approve the following Professional Development requests:

Michael Linnert, Ed.D.	AASA National Conference on Education New Orleans, LA March 6 – 8, 2025	\$3,500.00
Lainey Resetar	UPMC WPIC SAP Conference Virtual October 8 – 9, 2024	\$375.00
Michael Shuck	IXL Live Dayton, Ohio September 26, 2024	\$1,300.00

For Information Only

The Grable Foundation will be covering a portion of the fees for Dr. Linnert to attend the AASA National Conference on Education. Total district funds requested is \$1,000.00.

PUPIL PERSONNEL REPORT
SEPTEMBER 17, 2024

Dr. William P. Stropkaj

BOARD ACTION REQUESTED

I. LEARNWELL AGREEMENT

It is recommended that the Board approve the Agreement between LearnWell and the Keystone Oaks School District for homebound Virtual 1-1 Tutoring Academic Services for the 2024/2025 school year.

PERSONNEL REPORT

SEPTEMBER 17, 2024

Mrs. Tamara Donahue, Co-Chairperson
Ms. Emily Snyder, Co-Chairperson

BOARD ACTION REQUESTED

I. RESIGNATION

It is recommended that the Board accept the following resignation:

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>
Johanna Dayton	Secretary to the Assistant to the Superintendent for Student Achievement	August 22, 2024

II. APPOINTMENTS

1. Secretary

In compliance with *The Keystone Oaks Educational Support Personnel Association/PSEA/NEA 2022-2025*, it is recommended that the Board approve the employment of:

Lisa Sirera
Secretary – High School
Effective – September 16, 2024
Salary - \$37,638.23 (pro-rated)

2. Paraprofessional

In compliance with *The Keystone Oaks Educational Support Personnel Association/PSEA/NEA 2022-2025*, it is recommended that the Board approve the employment of:

Johnathan Cruz Lopez
Paraprofessional
Effective – August 22, 2024
Salary - \$15.58/per hour

3. Long Term Substitute

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2020-2026*, it is recommended that the Board approve the employment of the following long term substitute:

Kathleen Keeley

Teacher – Special Education – High School

Effective – September 3, 2024 (remainder of the 2024/2025 school year)

Salary - \$51,500.00 (M, Step 1) (pro-rated)

4. Change in Stipend Amounts – Activity Stipends

It is recommended that the Board approve the following change in stipend amounts for the below listed Activities:

<u>Activity</u>	<u>Position</u>	<u>Sponsor</u>	<u>Stipend</u>
Best Friends Club (Myrtle)		Zach Whitfield	\$1,500.00
Nature Club (Myrtle)		Zach Whitfield	\$1,500.00

For Information Only

The change in stipend amount is due to the above listed activities having two (2) sponsors for the 2024/2025 school year.

5. Approval of Activity Stipends

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2020-2026*, it is recommended that the Board approve the following individuals for the 2024/2025 school year:

<u>Activity</u>	<u>Position</u>	<u>Sponsor</u>	<u>Stipend</u>
Best Friends Club (Myrtle)		Daniel Galentine	\$1,500.00
Nature Club (Myrtle)		Daniel Galentine	\$1,500.00
Wrestling (Varsity)	Head Coach	Rick Pattinato	\$5,000.00
Yearbook (HS)		Sarah Fontanesi	\$1,500.00

6. Cyber School Program

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2020-2026*, it is recommended that the Board approve the following individuals as Cyber School teachers for the 2024/2025 school year:

Jennifer Hallam	Art
Joshua Kirchner	Math
Michele Lowers	Spanish
Jeffrey Sieg	History
Julie O'Mara	French
Allyson Culp	Science

7. Project Succeed Instructors 2024/2025

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2020-2026*, it is recommended that the Board approve the following individuals as Project Succeed Instructors for the 2024/2025 school year, pending receipt of all required paperwork:

Jen Bogdanski
Linda Capozzoli
Christopher Chatham
Rachel Dobson
Ryan Gevaudan
Tanner Jones
Jodi King
Colleen Mertz
John Murphy

III. FAMILY AND MEDICAL LEAVE

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

Employee #1710 – September 16, 2024 – October 11, 2024

IV. UNPAID PERSONAL LEAVE

It is recommended that the Board approve the following individual for an Unpaid Personal Leave:

Employee #5197 – August 28, 2024 – November 27, 2024

V. INTERMITTENT FAMILY AND MEDICAL LEAVE

It is recommended that the Board approve the following individual for an Intermittent Family and Medical Leave:

Employee #5259 – Beginning September 3, 2024

FINANCE REPORT

SEPTEMBER 17, 2024

Mr. Nafis Hill, Chairperson

BOARD ACTION REQUESTED

I. ACCOUNTS PAYABLE APPROVAL LISTS THROUGH AUGUST 31, 2024

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

A. General Fund as of August 31, 2024 (Check No. 72848-7)	\$2,210,718.35
B. Food Service Fund as of August 31, 2024 (Check No. 9864-9876)	\$19,942.33
C. Athletics as of August 31, 2024 (None)	\$0.00
D. Capital Reserve as of August 31, 2024 (None)	\$0.00
TOTAL	\$2,230,660.68

FOR INFORMATION ONLY

I. EXPENDITURE/REVENUE 2024 – 2025 BUDGET to ACTUAL / PROJECTION

ACCT	DESCRIPTION	2024-2025 BUDGET TOTAL	2024-2025 2 MONTH AUGUST/ACTUAL	OVER (UNDER) BUDGET
Revenue				
6000	Local Revenue Sources	\$ 33,846,624	\$ 12,803,191	\$ (21,043,433)
7000	State Revenue Sources	\$ 14,399,956	\$ 1,866,676	\$ (12,533,280)
8000	Federal Revenue Sources	\$ 959,403	\$ -	\$ (959,403)
Total Revenue		\$ 49,205,983	\$ 14,669,867	\$ (34,536,116)
				(OVER) UNDER BUDGET
Expenditures				
100	Salaries	\$ 22,081,671	\$ 641,410	\$ 21,440,261
200	Benefits	\$ 14,214,529	\$ 1,044,216	\$ 13,170,313
300	Professional/Technical Services	\$ 2,320,940	\$ 83,457	\$ 2,237,484
400	Property Services	\$ 1,586,550	\$ 160,577	\$ 1,425,973
500	Other Services	\$ 5,749,351	\$ 536,676	\$ 5,212,675
600	Supplies/Books	\$ 2,399,763	\$ 802,112	\$ 1,597,651
700	Equipment/Property	\$ 1,056,771	\$ 512,515	\$ 544,256
800	Other Objects	\$ 101,910	\$ 24,649	\$ 77,261
900	Other Financial Uses	\$ -	\$ 678,942	\$ (678,942)
Total Expenditures		\$ 49,511,485	\$ 4,484,552	\$ 45,026,933
Revenues exceeding Expenditures		\$ (305,502)	\$ 10,185,315	\$ 10,490,817
Other Financing Sources/(Uses)				
	Interfund Transfers In (Out)	\$ -	\$ -	\$ -

II. SUMMARY OF STUDENT ACTIVITIES ACCOUNTS AS OF AUGUST 31, 2024

Bank Account - Status	Middle / High School	Athletics
Cash Balance - 08/01/2024	\$ 309,263.53	\$ 49,227.75
Deposits	\$ 144.86	\$ 2,161.35
Subtotal	\$ 309,408.39	\$ 51,389.10
Expenditures	\$ 121.33	\$ -
Cash Balance - 08/31/2024	\$ 309,287.06	\$ 51,389.10

III. BANK BALANCES**BANK BALANCES PER STATEMENT AS OF AUGUST 31, 2024**

	BALANCE
GENERAL FUND	
FNB BANK	\$ 7,730,027
PAYROLL (pass-thru account)	\$ 6,909
FNB SWEEP ACCOUNT	\$ -
ATHLETIC ACCOUNT	\$ 51,389
PLGIT	\$ 8,526,634
FNB MONEY MARKET	\$ 2,049,219
PSDLAF	\$ 178,821
INVEST PROGRAM	\$ 200,017
OTHER POST-EMPLOYMENT BENEFITS	\$ 2,147,522
COMPENSATED ABSENCES	\$ 465,717
	\$ 21,356,255
CAFETERIA FUND	
FNB BANK	\$ 512,286
PLGIT	\$ 1,905,173
	\$ 2,417,459
CONSTRUCTION FUND / CAP RESERVE	
FNB BANK	\$ 44,702
PLGIT - G.O. BOND SERIES C OF 2014/ 12-19	\$ 884
	\$ 45,586
GRAND TOTAL	\$ 23,819,299

KEYSTONE OAKS SCHOOL DISTRICT

Policy Guide



Policy No. 103

Section PROGRAMS

Title DISCRIMINATION/~~TITLE IX~~
~~SEXUAL~~ HARRASSMENT
AFFECTING STUDENTS

Adopted AUGUST 21, 1989

Last Revised APRIL 18, 2023

	<p>POLICY NO. 103 DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</p>	
Section 1	<p><u>Authority</u></p> <p>The Board declares it to be the policy of this District to provide an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the schools without discrimination on the basis of race, color, age, religious creed, religion, sexgender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category.</p> <p>The Board also declares it to be the policy of this District to comply with federal law and regulations under Title IX prohibiting sex-based discrimination andsexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the District may be referred to the Title IX Coordinator, to the Office Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.</p> <p>The District is committed to the maintenance of a safe, positive learning environment for all students that is free from discrimination by providing all students admission, course offerings, counseling, assistance, services, employment, athletics and extracurricular activities without any form of discrimination, including Title IX sexualbased discrimination or harassment. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the District and is</p>	<p>SC 1301, 1310, 1601-C et seq. 22 PA Code 4.4, 12.1.12.4, 15.1 et seq. 24 P.S. 5004 43 P.S. 951 et seq. 16 PA Code 41.201 et seq 20 U.S.C. 1681 et seq. 29 U.S.C. 794 42 U.S.C. 2000d et seq., 12101 et seq., 1981 et seq. 34 CFR Part 106 Pol. 103.1 U.S. Const. Amend. XIV</p>

<p>Section 2</p>	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX-SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>prohibited at or, in the course of, district-sponsored programs or activities and including transportation to or from a school or school-sponsored activities.</p> <p><u>Definitions</u></p> <p><u>General Definitions</u></p> <p>Complaint shall mean an oral or written request to the District that objectively can be understood as a request to investigate and make a determination about alleged discrimination.</p> <p>Complainant shall mean an studentindividual who is alleged to be the victim. have been subjected to conduct that could constitute discrimination in accordance with law and this policy, or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination and who was participating or attempting to participate in a district education program or activity at the time of the alleged discrimination.</p> <p>Pregnancy or related conditions, as defined in federal law, shall mean:</p> <ol style="list-style-type: none"> 1. Pregnancy, childbirth, termination of pregnancy, or lactation; 2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, lactation; or 3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation or related medical conditions. <p>Pregnancy, as defined in state law, shall include the use of assisted reproductive technology, the state of being in gestation, childbirth, breastfeeding, the postpartum period after childbirth and medical conditions related to pregnancy.</p> <p>Respondent shall mean an personindividual who is alleged to be the perpetrator of the discriminatory conduct have violated the district's prohibition on discrimination in accordance with applicable law and this policy.</p>	<p>34 CFR 106.2</p> <p>34 CFR 106.2</p> <p>34 CFR 106.2 Pol. 234</p> <p>16 PA Code 41.204</p> <p>34 CFR 106.2</p>
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POLICY NO. 103
DISCRIMINATION/~~TITLE IX-SEXUAL~~
HARRASSMENT AFFECTING STUDENTS

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

34 CFR 106.2,
106.71

Discrimination Other Than Title IX

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, ~~religious~~ creed, religion, ~~sex~~~~gender~~, sexual orientation, gender identity~~-and-expression~~, ancestry, national origin, marital status, pregnancy, handicap/disability, ~~limited English-proficiency~~, or any other legally protected category.

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

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

	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX-SEXUAL HARRASSMENT AFFECTING STUDENTS</p>	
	<p>Religious creed includes all aspects of religious observance, practice or belief.</p>	16 PA Code 41.205
	<p>Religious beliefs include:</p> <ol style="list-style-type: none"> 1. Moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views. 2. The beliefs a complainant professes without regard to whether a religious group espouses these beliefs. 	16 PA Code 41.204
	<p>Race includes all of the following:</p> <ol style="list-style-type: none"> 1. Ancestry, national origin or ethnic characteristics. 2. Interracial marriage or association. 3. Traits associated with race, which includes but is not limited to, hair texture and protective hairstyles, such as braids, locks and twists. 4. Hispanic ancestry, national origin or ethnic characteristics. 5. Persons of any other national origin or ancestry as specified by a complainant or in a complaint. 	16 PA Code 41.204, 41.207
	<p>Sex includes:</p> <ol style="list-style-type: none"> 1. Pregnancy. 2. Sex assigned at birth. 3. Gender, including a person's gender identity or gender expression. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is part of a person's core identity. 4. Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and 	16 PA Code 41.204, 41.206

	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>asexuality.</p> <p>5. Differences of sex development, variations of sex characteristics or other intersex characteristics.</p> <p><u>Definitions Related to Title IX Sexual Harassment</u></p> <p>Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the District investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase “document filed by a complainant” refers to a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.</p> <p>Title IX sex-based discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.</p> <p>Title IX sexual harassment is a form of sex discrimination and means sexual harassment and other harassmentconduct on the basis of sex including that satisfies one or more of the following:</p> <ol style="list-style-type: none"> 1. Quid pro quo harassment – aA district employee or other person authorized to provide a district aid, benefit or service explicitly or impliedly conditioning the provision of an district aid, benefit, or district service on an individual’s participation in unwelcome sexual conduct; commonly referred to as quid pro quo sexual harassment. 2. Hostile environment harassment – uUnwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from a district education program or activity. Determination of whether 	<p>34 U.S.C. 12291</p> <p>34 CFR 106.2, 106.10, 106.31</p> <p>34 CFR 106.2</p>
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	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to: determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.</p> <ul style="list-style-type: none"> a. The degree to which the conduct affected the complainant's ability to access the District's education program or activity; b. The type, frequency and duration of the conduct; c. The complainant's and respondent's ages, roles in the district education program or activity, previous interactions and other relevant factors; d. The location and context in which the conduct occurred; and 2.e. Other sex-based harassment in the District's education program or activity. <p>3. Sexual assault, dating violence, domestic violence or stalking.</p> <ul style="list-style-type: none"> a. Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors: <ul style="list-style-type: none"> i. Length of relationship. ii. Type of relationship. iii. Frequency of interaction between the persons involved in the relationship. b. Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of 	<p>34 U.S.C. 12291</p> <p>34 U.S.C. 12291</p>
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	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX-SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.</p> <p>c. Sexual assault means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.</p> <p>d. Stalking, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:</p> <p style="padding-left: 40px;">i. Fear for their safety or the safety of others.</p> <p style="padding-left: 40px;">ii. Suffer substantial emotional distress.</p> <p>Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An education program or activity includes the locations, events or circumstances over which the District exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district’s education programs or activities, whether such programs or activities occur on campus or off campus. sex-based discrimination or harassment under Title IX. This includes conduct that is subject to the District’s disciplinary authority. An education program or activity includes, but is not limited to, academic, extracurricular, research, occupational training and</p>	<p>20 U.S.C. 1092</p> <p>34 U.S.C. 12291</p> <p>34 CFR 106.11, 106.30, 106.31 106.44, 106.45</p>
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POLICY NO. 103
DISCRIMINATION/~~TITLE IX-SEXUAL~~
HARRASSMENT AFFECTING STUDENTS

other education programs or activities of the District. The District is obligated to address a sex-based hostile environment in a district education program or activity, even when some conduct is outside the district's program or activity, or outside of the United States.

Person in parental relation, for the purposes of this policy and Title IX, shall mean the status of a person who with respect to another person who is under the age of eighteen (18) or who is eighteen (18) or older but is incapable of self-care because of a physical or mental disability, is:

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

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

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

34 CFR 106.2

34 CFR 106.2,
106.44

	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Counseling 2. Extensions of deadlines or other course-related adjustments. 3. Modifications of work or class schedules. 4. Campus escort services. 5. Mutual Restrictions on contact applied to one or morebetween the parties. 5.6.Changes in class, work, housing or extracurricular or other activities. 6.7.Leaves of absence. 7.8.Increased security. 9. Monitoring of certain areas of the campus. 8.10. Training and education programs related to sex-based harassment. 9.11. Assistance from domestic violence or rape crisis programs. 10.12. Assistance from community health resources including counseling resources. <p>Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement</p>	<p>34 CFR 106.44</p> <p>Pol. 103.1, 113, 113.1, 113.2, 113.3 34 CFR 106.44</p>
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	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>based on a student’s behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations and Board policy. The Title IX Coordinator shall consult with the Supervisor of Special Education in the implementation of supportive measures for students with an IEP or Section 504 Service Agreement.</p>	
Section 3	<p><u>Delegation of Responsibility</u></p> <p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations the Board designates the Superintendent as the District’s Compliance Officer. The title and authority may be delegated to an administrative member. However, in the event the title and authority is delegated to an administrative member, that member will always keep the Superintendent informed of complaints filed and investigations conducted. The Board designates the Assistant to the Superintendent for Operations and the Assistant to the Superintendent for Student Services Director of Pupil Services as the District’s Title IX Coordinators.</p> <p>The Compliance Officer can be contacted at:</p> <p style="padding-left: 40px;">Superintendent Address: 1000 Kelton Avenue/Pittsburgh/PA 15126 Email: Stropkaj@kosd.org Phone Number: (412) 571-6005</p> <p>The Title IX Coordinators can be contacted at:</p> <p style="padding-left: 40px;">Assistant to the Superintendent for Operations Address: 1000 Kelton Avenue/Pittsburgh/PA 15216 Email: kubiak@kosd.org Phone Number: (412) 571-6005 and</p> <p style="padding-left: 40px;">Assistant to the Superintendent for Student Services Address: 1000 Kelton Avenue/Pittsburgh/PA 15216 Email: shanna@kosd.org Phone Number: (412) 571-6013</p>	34 CFR 106.8

	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX-SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>The Compliance Officer and Title IX Coordinators shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures, to monitor and address barriers to reporting and to monitor the implementation of the District's nondiscrimination procedures in the following areas, as appropriate:</p> <ol style="list-style-type: none"> 1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias. 12. Counseling and Classes – Review of counseling and appraisal materials and access to classes and programs for stereotyping, bias and discrimination. If the district identifies that particular classes or courses contain a disproportionate number of individuals of one (1) sex, the District shall conduct a review to determine that the disproportion is not based on discriminatory practices. 23. Training – Provide training for students and staff to prevent, identify and alleviate problems of discrimination. conduct which may constitute discrimination or harassment. 34. Resources - Maintain and provide information to staff on resources available to complainants alleged victims in addition to the school complaint procedure or Title IX procedures, such as making reports to law enforcement the police, and available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources including counseling resources. 45. Student Access - Review of programs, activities, facilities, and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation. 56. District Support - Assure that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment, and related 	<p>34 CFR 106.44</p> <p>Pol. 150</p> <p>34 CFR 106.34-106.36</p> <p>34 CFR 106.31, 106.34-106.36, 106.41</p> <p>34 CFR 106.33, 106.37 Pol. 150</p>
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POLICY NO. 103
DISCRIMINATION/~~TITLE IX SEXUAL~~
HARRASSMENT AFFECTING STUDENTS

areas.

~~6.~~7. Student Evaluation - Review of assessments, procedures and standards of measurement, ~~and guidance and counseling materials~~ for stereotyping and discrimination.

~~7.~~8. Reports/~~Formal~~ Complaints - Monitor and provide technical assistance to individuals involved in managing ~~informal and formal reports~~ and complaints.

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

- ~~1. If the building principal is the subject of the complaint, refer the student to the Compliance Officer to carry out these responsibilities.~~
- ~~2. Inform the student or third party about this policy including the right to an investigation of both oral and written complaints of discrimination.~~
- ~~3. Obtain consent from person(s) in parental relation to initiate an investigation where the complainant or alleged victim is under age eighteen (18). Inform the person(s) in parental relation and students who are complainants or accused of violating this policy that they may be accompanied by a person in parental relation 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~~

34 CFR 106.43

<p>Section 4</p>	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>Officer or an attorney and shall promptly assign the investigation to that individual.</p> <p>6.1. 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.</p> <p><u>Guidelines</u></p> <p>When district programs and activities include separation on the basis of sex, in accordance with law and regulations, including but not limited to separate restroom or changing facilities or separate health and physical fitness activities, the District shall not implement such programs or activities in a manner that discriminates on the basis of sex, including an individual's gender identity.</p> <p>Violations of this policy, including acts of retaliation as defineddescribed in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures, and in accordance with applicable law and regulations.</p> <p>The Board requires a notice stating that the District does not discriminate in any manner, including Title IX sexual-based discrimination and harassment, in any district education program or activity, to be issued to all students, person(s) in parental relation, employees, employment applicants for employment or admission, employees and all unions or professional organizations holding collective bargaining or professional agreements with the District. All discrimination notices and information shall include the name or title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator. The District's notice shall provide information on the location of the Board policy and complaint or grievance procedures, how to report information about conduct prohibited by this policy and how to file a complaint.</p>	<p>34 CFR 106.31, 106.41</p> <p>Pol. 113.21, 218, 233, 817 34 CFR 106.45</p> <p>34 CFR 106.8</p>
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	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>The Board directs that this noticethe foregoing statement of Board policy be included in each student and staff handbook, on the District website, and in each catalog, announcement, bulletin and application form for students. An abbreviated statement of the District’s prohibition of discrimination, that individuals may report concerns to the Title IX Coordinator and location of the full notice on the District website may be published when necessary due to size or format of publications.</p> <p>A copy of and that this policy and related attachments shall also be posted to the District’s website.</p> <p><u>Reports of Title IX Sexual-Based Discrimination or Harassment and Other Discrimination and Retaliation</u></p> <p>The Board encourages students and third parties who believe they or others have been subject to Title IX sexual-based discrimination or harassment, other discrimination or retaliation promptly report such incidents to the building principal or the Title IX Coordinator, even if some elements of the related incident took place or originated away from school grounds, education programs or school activities or school conveyances. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.</p> <p>The student’s person(s) in parental relation or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal or Title IX Coordinator.</p> <p>A school employee who suspects or is notified that a student may have has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Title IX Coordinator building principal, as well as properly making any mandatory law enforcement police or child protective services reports required by law.</p> <p>If the Title IX Coordinator building principal is the subject of a complaint, the student, third party, building principal or a reporting employee shall report the incident directly to the Superintendent or designee Title IX Coordinator.</p>	<p>34 CFR 106.8</p> <p>34 CFR 106.44 Pol. 805.1, 806</p>
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	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>The complainant or the individual making the report may use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) attached to this policy for purposes of reporting an incident or incidents in writing; however, oralverbal reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.</p> <p>The building principal shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual- based discrimination and harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures and reasonable safety concerns.</p> <p>The Title IX Coordinator shall conduct an assessment to determine whether the reported conduct meets circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in 103-AR-2 to this policy, or if the reported circumstances meet the definition of Title IX sexual-based discrimination or harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in 103-AR-3, or other Board policies. the appropriate procedures to address the conduct in accordance with this Board policy and procedures, or other Board policies.</p> <p>If the Title IX Coordinator reasonably determines that the conduct may constitute sex-based discrimination or harassment, the Title IX Coordinator shall take the following steps under Title IX and this Board policy and procedures:</p> <ol style="list-style-type: none"> 1. Treat the complainant and respondent equitably. 2. Offer and coordinate supportive measures, as appropriate, for the complainant and respondent. 3. Notify the complainant or individual who reported the conduct of the grievance procedures and informal resolution process, if available and appropriate. 	<p>34 CFR 106.44</p> <p>34 CFR 106.44</p> <p>34 CFR 106.44</p>
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	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <ol style="list-style-type: none"> 4. If a complaint is made, notify the respondent of the grievance procedures and, if applicable, the informal resolution process. 5. Initiate the grievance procedures or informal resolution process, if available and appropriate. 6. In the absence of a complaint or withdrawal of any or all allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint under the grievance procedures, in accordance with law, regulations and the grievance procedures. 7. If initiating a complaint under the grievance procedures, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety and the safety of others, including by providing supportive measures. 8. Take other prompt and effective steps to ensure that sex-based discrimination and harassment does not continue or recur within the district's education programs or activities. <p><u>Disciplinary Procedures When Reports Allege Title IX Sex-Based Discrimination or Harassment</u></p> <p>When a report alleges Title IX sex-based discrimination or harassment, disciplinary sanctions may not be imposed until the completion of the grievance procedures. The District shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance procedures.</p> <p>When an emergency removal, as described in the grievance procedures, is warranted to address an imminent and serious threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a</p>	
		34 CFR 106.45
		34 CFR 106.44 Pol. 113.1, 113.2, 113.3, 233

	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX-SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>disability where applicable. The District shall provide the respondent with notice and an opportunity to challenge the emergency removal immediately following the removal.</p> <p>When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance procedures. Following the issuance of the determination and any applicable appeal, any disciplinary action specified in the determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.</p> <p><u>Discipline/Placement of Student Convicted or Adjudicated of Sexual Assault</u></p> <p>Upon notification of a conviction or adjudication of a student in this district for sexual assault against another student enrolled in this district, the District shall comply with the disciplinary or placement requirements established by state law and Board policy.</p> <p><u>Confidentiality</u></p> <p>Confidentiality of all parties, witnesses, the allegations, the filing of a report and the investigation related to any form of discrimination or retaliation, including Title IX sexual-based discrimination or harassment, shall be handled in accordance with applicable law, regulations, Board this policy and procedures, the attachments and the District's legal and investigative obligations to carry out the grievance procedures.</p> <p>The District shall not disclose personally identifiable information except in the following circumstances:</p> <ol style="list-style-type: none"> 1. When the District has obtained prior written consent in accordance with law. 2. When the information is disclosed to a person in parental relation as defined in this policy or other authorized legal representative with the legal right to receive disclosures 	<p>Pol. 113.1, 113.2, 218, 233</p> <p>24 P.S. 1318.1 Pol. 218.3</p> <p>34 CFR 106.45, 106.71 20 U.S.C. 1232g 34 CFR Part 99</p> <p>34 CFR 106.44 20 U.S.C. 1232g Pol. 113.4, 216</p>
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	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>on behalf of the individual.</p> <ol style="list-style-type: none"> To carry out the requirements of this policy and the accompanying procedures. As required or permitted by applicable law or regulations or the requirements of grant funding. <p><u>Retaliation</u></p> <p>The Board prohibits retaliation, including peer retaliation between students, by the District or any other person against any person for:</p> <ol style="list-style-type: none"> Reporting or making a formal complaint of conduct that may constitute any form of discrimination or retaliation, including Title IX sexual-based discrimination or harassment. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing. Acting in opposition to practices the person reasonably believes to be discriminatory. <p>The District, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have occurred. The District shall respond to reports of retaliation by initiating the appropriate procedures in accordance with applicable law, regulations and this Board policy. Retaliation that falls under Title IX shall be addressed through the grievance procedures or, as appropriate, through the informal resolution process. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.</p> <p><u>Title IX Sexual-Based Discrimination or Harassment Training Requirements</u></p> <p><u>The District shall provide training annually to all school</u></p>	<p>34 CFR 106.2, 106.71</p> <p>34 CFR 106.71</p> <p>34 CFR 106.8</p>
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POLICY NO. 103
DISCRIMINATION/~~TITLE IX-SEXUAL~~
HARRASSMENT AFFECTING STUDENTS

employees on:

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

The Compliance Officer and Title IX Coordinator(s), investigator(s), decision-maker(s), or any staff responsible to implement grievance procedures ~~individual designated to facilitate an informal resolution process~~ related to Title IX ~~sexual~~-based discrimination or harassment and any staff authorized to modify or terminate supportive measures shall receive the following training annually, as required or appropriate to their specific role:

1. The District's obligations under Title IX, including definitions of sex-based discrimination and harassment.~~Definition of sexual harassment.~~
2. The grievance procedures used to address Title IX complaints.~~Scope of the district's education program or activity, as it pertains to what is subject to Title IX regulations.~~
3. How to conduct an investigation~~and grievance process for formal complaints~~, including examination of evidence, drafting reports and~~written~~ determinations, and handling appeals~~and informal resolution processes~~, as applicable.
4. How to serve impartially, including by avoiding

34 CFR 106.8

	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>prejudgment of the facts at issue, conflicts of interest and bias.</p> <p>5. Use of relevant technology.</p> <p>6. Issues of relevance in relation to including when questions and evidence, and the types of evidence that are impermissible regardless of relevance about the complainant's sexual predisposition or prior sexual behavior are not relevant.</p> <p>7. Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.</p> <p>8.7. How to address complaints when the alleged conduct does not qualify as Title IX sexual-based discrimination or harassment but could be addressed under another complaint process or Board policy.</p> <p>Staff designated to facilitate the informal resolution process shall receive training annually on the rules and practices associated with the informal resolution process and how to serve impartially, including by avoiding conflicts of interest and bias.</p> <p>The Title IX Coordinators and designees shall receive the following training annually, in addition to all other training required by Title IX and this policy:</p> <ol style="list-style-type: none"> 1. Specific responsibilities of the Title IX Coordinator, in accordance with law and Board policy and procedures. 2. The District's recordkeeping system and requirements for recordkeeping in accordance with Title IX and Board policy and administrative regulations. 3. Any other training required to coordinate the District's compliance with Title IX and other applicable laws, regulations and Board policy. <p>All training materials shall be retained for at least seven (7) years and must be made available for inspection upon request</p>	<p>34 CFR 106.8</p> <p>34 CFR 106.8</p> <p>Pol. 113.4, 216, 324, 424, 524, 800</p> <p>34 CFR 106.8, 800, 801</p>
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	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>from a member of the public.</p> <p>All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.</p> <p><u>Disciplinary Consequences</u></p> <p>A student whose conduct is determined to be responsible forin violation of this policy, including a determination of sex-based harassment, shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:</p> <ol style="list-style-type: none"> 1. Loss of school privileges. 2. Permanent transfer to another school building, classroom or school bus. 3. Exclusion from school-sponsored and extracurricular activities. 4. Detention. 5. Suspension. 6. Expulsion. 7. Referral to law enforcement officials. <p>An employee who violates this policy, including a determination of sex-based harassment, shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.</p> <p>All reports of discrimination or Title IX sex-based discrimination or harassment shall be handled in accordance with the Grievance Procedures attached to this policy.</p> <p><u>Reports of Discrimination</u></p>	<p>113.1, 218, 233</p> <p>Pol. 817, 817.1</p> <p>34 CFR 106.45</p>
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POLICY NO. 103
DISCRIMINATION/~~TITLE IX SEXUAL~~
HARRASSMENT AFFECTING STUDENTS

~~Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category shall follow the Discrimination Complaint Procedures in 103-AR-2 to this policy.~~

~~Reports of Title IX Sexual Harassment~~

~~Any reports deemed by the Title IX Coordinator to meet the definition of sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in 103-AR-3 to this policy.~~

Previously Revised: [April 18, 2023](#); October 20, 2020; March 20, 2018; June 26, 2014; February 16, 1998

References:

School Code – 24 P.S. Sec. 1301, 1310, 1318.1, 1601-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.

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.

Nondiscrimination on the Basis of Sex in Education Programs or

	<p style="text-align: center;">POLICY NO. 103 DISCRIMINATION/TITLE IX-SEXUAL HARRASSMENT AFFECTING STUDENTS</p> <p>Activities Receiving Federal Financial Assistance – 34 CFR Part 106, 106.30, 106.44, 106.45, 106.71, 106,8</p> <p>Family Educational Rights and Privacy – 34 CFR Part 99</p> <p>Family Educational and Privacy Rights – 20 U.S.C. Sec. 1232g</p> <p>Violence Against Women – 34 U.S.C. Sec. 12291</p> <p>Provisions Related to Student Assistance Programs – 20 U.S.C. Sec. 1092</p> <p>U.S. Const. Amend. XIV, Equal Protection Clause</p> <p>Board Policy – 103.1, 113, 113.1, 113.2, 113.3, 150, 218, 233, 806, 817, 817.1</p>	
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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

Last Revised APRIL 18, 2023

POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES		
Section 1	<p><u>Purpose</u></p> <p>The Board declares it to be the policy of this District to provideensure 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 person in parental relation, 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 persons in parental relation who believe they have been subjected to discrimination or harassment to promptly report such incidents to designated employees, in accordance with Board policy.</p> <p>The Board directs that complaints of discrimination or harassment shall be investigated promptly, and corrective or</p>	<p>22 PA Code 4.4, 12.1. 12.4, 15.1 et seq. 29 U.S.C. 794 42 U.S.C. 12101 et seq. 28 CFR Part 35, 36 34 CFR Part 104 Pol. 103</p> <p>Pol. 103</p>

	<p style="text-align: center;">POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</p> <p>preventative action be taken for substantiated allegations.</p> <p><u>Confidentiality</u></p> <p>Confidentiality of all parties, witnesses, the allegation, the filing of a complaint and the investigation shall be maintained, consistent with the District’s legal and investigative obligations.</p> <p><u>Retaliation</u></p> <p>The District and its employees are prohibited from intimidating, threatening, coercing, discriminating or retaliating 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>Section 2 <u>Definitions</u></p> <p>Qualified student with a disability - a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the District’s educational programs, nonacademic services or extracurricular activities.</p> <p>Section 504 Team - a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors, psychologists, school nurses, outside care providers and the student’s persons in parental relation.</p> <p>Section 504 Service Agreement (Service Agreement) - an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school’s educational programs, nonacademic services, and extracurricular activities.</p> <p>Disability harassment - intimidation or abusive behavior toward a student based on disability that creates a hostile</p>	<p>22 PA Code 15.2 42 U.S.C. 12102</p> <p>22 PA Code 15.1 et seq. 34 CFR Part 104</p> <p>22 PA Code 15.7</p> <p>Pol. 103</p>
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	<p style="text-align: center;">POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</p> <p>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>	
Section 3	<p><u>Delegation of Responsibility</u></p> <p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Assistant to the Superintendent for Student Director of Pupil Services 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 persons in parental relation 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 104.7</p> <p>22 PA Code 15.4 34 CFR 104.32</p>
Section 4	<p><u>Guidelines</u></p> <p><u>Identification and Evaluation</u></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 Individuals with Disabilities Education Act (IDEA) child find efforts, in order to not duplicate efforts.</p> <p>If a person in parental relation 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 person in parental relation or the District shall provide the other party with</p>	<p>34 CFR 104.32 Pol. 113</p> <p>22 PA Code 15.5, 15.6 34 CFR 104.35</p>

	<p style="text-align: center;">POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</p> <p>written notice. Form 103.1-AR-4, available on the district website, may be used for person in parental relation requests for evaluation, termination, or modification of the student’s current Service Agreement.</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>The District shall specifically identify the procedures and types of tests used to evaluate a student, and provide the person in parental relation the opportunity to give or withhold consent to the proposed evaluation(s) in writing.</p> <p>The District shall establish procedures for evaluation and placement that assure tests and other evaluation materials:</p> <ol style="list-style-type: none"> 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). <p><u>Service Agreement</u></p> <p>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.</p> <p>The District shall not implement a Service Agreement until the written agreement is executed by a representative of the District and a person in parental relation.</p> <p>The District shall not modify or terminate a student’s current Service Agreement without the person in parental relation’s written consent.</p>	<p>34 CFR 104.35</p> <p>34 CFR 104.35</p> <p>22 PA Code 15.7</p> <p>22 PA Code 15.7</p> <p>22 PA Code 15.5</p>
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	<p style="text-align: center;">POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</p> <p><u>Educational Programs/Nonacademic Services/Extracurricular Activities</u></p> <p>The District shall educate a qualified student with a disability with students who are not disabled to the maximum extent appropriate to the needs of the student with a disability. A qualified student with a disability shall be removed from the regular educational environment only when the District determines that educating the student in the regular educational environment with the use of related aids, services, or accommodations cannot be achieved satisfactorily. Placement in a setting other than the regular educational environment shall take into account the proximity of the alternative setting to the student’s home.</p> <p>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.</p> <p><u>Parental Involvement</u></p> <p>Persons in parental relation 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.</p> <p><u>Confidentiality of Student Records</u></p> <p>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.</p> <p><u>Discipline</u></p>	<p>22 PA Code 15.3 34 CFR 104.34</p> <p>22 PA Code 15.3 34 CFR 104.34, 104.37 Pol. 112, 122, 123, 810</p> <p>22 PA Code 15.6, 15.7, 15.8 34 CFR 104.35</p> <p>22 PA Code 15.9 20 U.S.C. 1232g 34 CFR Part 99 Pol. 216</p>
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	<p style="text-align: center;">POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</p> <p>When necessary, the District shall discipline qualified students with disabilities in accordance with state and federal laws and regulations and Board policies.</p> <p><u>Referral to Law Enforcement and Reporting Requirements</u></p> <p>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 products; or conduct that constitutes an offense listed under the Safe Schools Act in the school safety and security provisions of School Code.</p> <p>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 law enforcement agency 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.</p> <p>In making a determination of whether to notify the law enforcement agency 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.</p> <p>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 person in parental relation, shall consider whether a Behavior Support Plan should</p>	<p>Pol. 218, 233</p> <p>SC 1303-A 1319-B 22 PA Code 10.2 35 P.S. 780-102</p> <p>SC 1302.1-A 1319-B, 1306.2-B 22 PA Code 10.21, 10.22, 10.23, 10.25, 15.2, 15.3, 15.7, 15.9 Pol. 113.1, 218, 218.1, 218.2, 227, 805.1, 823</p> <p>22 PA Code 10.22, 15.1 Pol. 103, 805.1</p> <p>22 PA Code 10.23, 15.7</p>
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	<p style="text-align: center;">POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</p> <p>be developed as part of the Service Agreement to address the student’s behavior.</p> <p>In accordance with state law, the Superintendent shall annually, by July 31, report to the PA Department of Education 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;">Procedural Safeguards</p> <p>The District shall establish and implement a system of procedural safeguards that includes notice of rights to the person in parental relation of a student suspected of being a qualified student with a disability, an opportunity for the person in parental relation to review relevant records, an impartial hearing with an opportunity for participation by the student’s person in parental relation, and a review procedure.</p> <p>A student or person in parental relation filing a claim of discrimination need not exhaust these procedures prior to initiating court action in federal court under Section 504.</p> <p><u>Parental Request for Assistance</u></p> <p>Persons in parental relation may file a written request for assistance with the PAennsylvania Department of Education (PDE) if one (1) or both of the following apply:</p> <ol style="list-style-type: none"> 1. The District is not providing the related aids, services and accommodations specified in the student’s Service Agreement. 2. The District has failed to comply with the procedures and state regulations. <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 persons in</p>	<p>SC 1303-A1319-B, 1306.2-B Pol. 805.1</p> <p>22 PA Code 15.8 34 CFR 104.36</p> <p>22 PA Code 15.6</p> <p>22 PA Code 15.8</p> <p>22 PA Code 15.8</p>
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	<p style="text-align: center;">POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</p> <p>parental relation and District a written response to the request. The response to the persons in parental relation’s request shall be in the persons in parental relation’s native language or mode of communication.</p> <p><u>Informal Conference</u></p> <p>At any time, persons in parental relation 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.</p> <p><u>Formal Due Process Hearing</u></p> <p>If the matters raised by the District or persons in parental relation are not resolved at the informal conference, the District or persons in parental relation 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.</p> <p><u>Judicial Appeals</u></p> <p>The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction.</p> <p style="text-align: center;">Complaint Procedure</p> <p>This complaint procedure is in addition to and does not prevent persons in parental relation from using any option in the procedural safeguards system.</p> <p>Step 1 – Reporting</p> <p>A student or person in parental relation who believes the studentthey hasve 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</p>	<p>22 PA Code 15.8</p> <p>22 PA Code 14.162, 15.8</p> <p>22 PA Code 15.8</p> <p>Pol. 103</p>
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conduct that may violate this policy, is encouraged to immediately report the matter to the Section 504 building administrator.

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

If the Section 504 building administrator is the subject of a complaint, the student, person in parental relation 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 implemented. The person accepting the ~~oral-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~~ [opportunity to report the incident\(s\) to law enforcement](#). 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

The Section 504 Coordinator shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination issues and this policy and how to conduct investigations.

[The Section 504 building administrator or section 504 Coordinator and other appropriate individuals will promptly implement appropriate measures to protect the complainant and others as necessary from violation of the policy throughout the course of the investigation.](#)

Pol. [805.1](#), 806

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

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

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

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Section 504 Coordinator, 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 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

Pol. 103, [805.1](#),
806, 816
18 Pa. C.S.A. 2709

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extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation, and the reason for such delay shall be documented.

Step 3 – Investigative Report

The investigator shall prepare and submit a written report to the Section 504 Coordinator within twenty (20) days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation and the availability of witnesses requires the investigator and the Section 504 Coordinator to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into disability harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

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

Step 4 – District Action

If the investigation results in a finding that some or all of the

Pol. 103

22 PA Code 15.9
20 U.S.C. 1232g
34 CFR Part 99
Pol. 216

	<p style="text-align: center;">POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</p> <p>allegations of the complaint are established and constitute a violation of this policy, the District shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The District shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Section 504 Coordinator shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.</p> <p>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.</p> <p>Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws.</p> <p><u>Appeal Procedure</u></p> <ol style="list-style-type: none"> 1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, they may submit a written appeal to the district’s Section 504 Coordinator within fifteen (15) days. 2. The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation. 3. The Section 504 Coordinator shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial 	<p>Pol. 113.2, 218, 233, 817</p>
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investigation.

Previously Revised: [April 18, 2023](#); June 19, 2018; March 20, 2018

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, 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, 112, 113, 113.1, 122, 123, 216, 218, 218.1, 218.2, 227, 233, 805.1, 806, 810, 816, 823, 862

KEYSTONE OAKS SCHOOL DISTRICT

Policy

Guide



Policy No. 104

Section PROGRAMS

Title DISCRIMINATION/~~TITLE IX~~
~~SEXUAL HARASSMENT~~
AFFECTING STAFF

Adopted AUGUST 21, 1989

Last Revised OCTOBER 20, 2020

Section 1	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p><u>Authority</u></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, religious creed, religion, sexgender, sexual orientation, gender identityand expression, ancestry, national origin, marital status, genetic information, pregnancy, handicap/disability or pregnancy, childbirth or pregnancy-related medical conditionslimited English proficiency, or any other legally protected category. The District shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state law and regulations.</p> <p>The Board also declares it to be the policy of this District to comply with federal law and regulations under Title IX prohibiting sexual-based discrimination and harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the District may be referred to the Title IX Coordinator, to the OfficeAssistant Secretary for Civil Rights of the U.S. Department of Education, or both.</p>	<p>43 P.S. -336.3, 951 et seq. 34 CFR 106 20 U.S.C. See. 1681 et seq. 29 U.S.C. 206, 621 et seq., 794 42 U.S.C. 1981 et seq., 2000e et seq., 2000ff et seq., 12101 et seq. U.S. Const. Amend. XIV 29 CFR Part 1636</p>
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<p>Section 2</p>	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p><u>Definitions</u></p> <p><u>General Definitions</u></p> <p>Complaint shall mean an oral or written request to the District that objectively can be understood as a request to investigate and make a determination about alleged discrimination.</p> <p>Complainant shall mean an individual who is alleged to be the victim have been subject to conduct that could constitute discrimination in accordance with law and this policy.</p> <p>Pregnancy, childbirth and pregnancy-related medical conditions, as defined in federal law, refers to the pregnancy or childbirth of the specific employee and includes, but is not limited to, current pregnancy; past pregnancy or recovery; termination of pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment and the use of contraception); labor; childbirth; and lactation. Related medical conditions are medical conditions relating to the pregnancy, termination of pregnancy, childbirth or lactation of the specific employee.</p> <p>Respondent shall mean an individual person who is alleged to be the perpetrator of the discriminatory conduct have violated the district's prohibition on discrimination in accordance with applicable law and this policy.</p> <p>Retaliation shall mean intimidation, threats, coercion or discrimination against any person by the district, a student, employee or other person authorized to provide a district aid, benefit or service, for the purpose of interfering with any right or privilege under applicable law or Board policy, or because the person has reported information, made a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing, including an informal resolution process or any other actions taken by the district in accordance with applicable law and this policy and procedures. This term shall not include the district requiring an employee or other individual providing a district aid, benefit or service to participate or assist with an investigation, proceeding or hearing in accordance with applicable law and this policy.</p>	<p>34 CFR 106.2</p> <p>34 CFR 106.2</p> <p>34 CFR 106.2 29 CFR 1636.3</p> <p>34 CFR 106.2</p> <p>34 CFR 106.2, 106.71</p>
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p><u>Discrimination Other Than Title IX</u></p> <p>Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, religious creed, religion, sex-gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, childbirth or other pregnancy-related conditions, limited English proficiency, or any other legally protected category, or based on an individual's association with a person who has a protected classification.</p> <p>Harassment is a form of discrimination based on the protected classifications listed in this policy, or association with an individual who has a protected classification, consisting of objectively and subjectively hostile unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes or comments, slurs, stereotypes, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, ostracism, misgendering or denial of access to facilities consistent with an individual's gender identity, or other conduct that affects a term, condition or privilege of employment, and may be harmful or humiliating or interfere with a person's school or school-related work performance, including when:</p> <ol style="list-style-type: none"> 1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or 2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or 3. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions or affects a term, condition or privilege of employment. 	<p>42 U.S.C. 2000e et seq</p>
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p>Examples of harassment based on race, color, ancestry or national origin may include but not be limited to harassment regarding traits or characteristics related to an individual's name, cultural dress or diet, accent, linguistic characteristics or manner of speech, or physical characteristics, such as hairstyles or hair texture.</p> <p>Harassment based on religion, religious creed, sex, pregnancy or related conditions, or handicap/disability may include harassment based on a request for or receipt of a reasonable accommodation.</p> <p>Discrimination or harassment based on handicap/disability may also include harassment based on how an individual speaks, looks or moves, as well as discrimination or harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability; has a record or history of a disability, even if the individual does not currently have a disability; or is associated with an individual who has a disability.</p> <p>Religious creed includes all aspects of religious observance, practice or belief.</p> <p>Religious beliefs include:</p> <ol style="list-style-type: none"> 1. Moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views. 2. The beliefs a complainant professes without regard to whether a religious group espouses these beliefs. <p>Race includes all of the following:</p> <ol style="list-style-type: none"> 1. Ancestry, national origin or ethnic characteristics. 2. Interracial marriage or association. 3. Traits associated with race, which includes but is not limited to, hair texture and protective hairstyles, such as braids, locks and twists. 	<p>16 PA Code 41.205</p> <p>16 PA Code 41.204</p> <p>16 PA Code 41.204, 41.207</p>
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <ol style="list-style-type: none"> 4. Hispanic ancestry, national origin or ethnic characteristics. 5. Persons of any other national origin or ancestry as specified by a complainant or in a complaint. <p>Sex includes:</p> <ol style="list-style-type: none"> 1. Pregnancy. 2. Sex assigned at birth. 3. Gender, including a person’s gender identity or gender expression. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is part of a person’s core identity. 4. Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality. 5. Differences of sex development, variations of sex characteristics or other intersex characteristics. <p><u>Definitions Related to Title IX Sexual Harassment</u></p> <p>Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the District investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase “document filed by a complainant” refers to a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.</p> <p>Title IX sex-based discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.</p>	<p>16 PA Code 41.204, 41.206</p> <p>34 CFR 106.2, 106.10, 106.31</p>
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p>Title IX sexual-based harassment is a form of discrimination and means sexual harassment and other harassment conduct on the basis of sex including that satisfies one or more of the following:</p> <ol style="list-style-type: none"> 1. Quid pro quo harassment – a A district employee or other person authorized to provide a district aid, benefit or service explicitly or impliedly conditioning the provision of an a district aid, benefit, or district service on an individual’s participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual harassment. 2. Hostile environment harassment – uUnwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from a district education program or activity. Determination of whether a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to: determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity. <ol style="list-style-type: none"> a. The degree to which the conduct affected the complainant’s ability to access the District’s education program or activity; b. The type, frequency and duration of the conduct; c. The complainant’s and respondent’s ages, roles in the District education program or activity, previous interactions and other relevant factors; d. The location and context in which the conduct occurred; and 2.e. Other sex-based harassment in the District’s education program or activity. 	34 CFR 106.30
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STAFF</p> <p>3. Sexual assault, dating violence, domestic violence or stalking.</p> <p style="padding-left: 40px;">a. Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:</p> <p style="padding-left: 80px;">i. Length of relationship.</p> <p style="padding-left: 80px;">ii. Type of relationship.</p> <p style="padding-left: 80px;">iii. Frequency of interaction between the persons involved in the relationship.</p> <p style="padding-left: 40px;">b. Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.</p> <p style="padding-left: 40px;">c. Sexual assault means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.</p> <p style="padding-left: 40px;">d. Stalking, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:</p>	<p>34 U.S.C. 12291</p> <p>34 U.S.C. 12291</p> <p>20 U.S.C. 1092</p> <p>34 U.S.C. 12291</p>
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p style="text-align: center;">i. Fear for their safety or the safety of others. i. ii. Suffer substantial emotional distress.</p> <p>Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual-based discrimination or harassment under Title IX. An education program or activity includes the locations, events or circumstances over which the District exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on campus or off campus. This includes conduct that is subject to the District's disciplinary authority. An education program or activity includes, but is not limited to, academic, extracurricular, research, occupational training and other education programs or activities of the district. The district is obligated to address a sex-based hostile environment in a district education program or activity, even when some conduct is outside the District's program or activity, or outside of the United States.</p> <p>Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.in order to:</p> <ol style="list-style-type: none">1. Restore or preserve access to the District's education program or activity, including measures designed to protect the safety of the individuals or the District's educational environment; or2. Provide support during the grievance procedures or during an informal resolution process. <p>Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures</p>	<p>34 CFR 106.11106.30, 106.31, 106.44, 106.45</p>
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p>designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Counseling or Employee Assistance Program. 2. Extensions of deadlines or other course-related adjustments. 3. Modifications of work or class schedules. 4. Campus escort services. 5. Mutual Restrictions on contact applied to one or morebetween the parties. 6. Changes in work locations or other activities. 7. Leaves of absence. 8. Increased security. 9. Monitoring of certain areas of the campus. 910. Training and education programs related to sex-based harassment. 1011. Assistance from domestic violence or rape crisis programs. 1112. Assistance from community health resources including counseling resources. <p>Section 3 <u>Delegation of Responsibility</u></p> <p>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</p>	
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p>delegated administrator will notify the Superintendent when a complaint is filed and during the investigation, and will file a completed report with the Superintendent. The Board designates the Assistant to the Superintendent for Operations and the Assistant to the Superintendent for Student Director of Pupil Services as the District's Title IX Coordinators.</p> <p>The Compliance Officer can be contacted at:</p> <p style="padding-left: 40px;">Superintendent Address: 1000 Kelton Avenue/Pittsburgh/PA 15126 Email: Stropkaj@kosd.org Phone Number: (412) 571-6005</p> <p>The Title IX Coordinators can be contacted at:</p> <p style="padding-left: 40px;">Assistant to the Superintendent for Operations Address: 1000 Kelton Avenue/Pittsburgh/PA 15216 Email: kubiak@kosd.org Phone Number: (412) 571-6005 and</p> <p style="padding-left: 40px;">Assistant to the Superintendent for Student Services Address: 1000 Kelton Avenue/Pittsburgh/PA 15216 Email: shanna@kosd.org Phone Number: (412) 571-6013</p> <p>The Compliance Officer and Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures, to monitor and address barriers of reporting and to monitor the implementation of the District's nondiscrimination procedures in the following areas, as appropriate:</p> <ol style="list-style-type: none"> 1. Review - Review of personnel and hiring practices and actions for discriminatory bias and compliance with laws against discrimination and harassment, to include monitoring and promptly implementingrecommending corrective measures when appropriate. This may include, but is not limited to, changes to to written position qualifications, job descriptions, and essential job functions; recruitment materials and practices; 	
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p>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; and provision of employee benefits and services.</p> <p>2. Training- Provide training for supervisors and staff to prevent, identify and alleviate conduct which may constitute problems of employment discrimination or harassment.</p> <p>3. Resources - Maintain and provide information to staff on resources available to complainants alleged victims in addition to the school complaint procedure or Title IX procedures, such as making reports to law enforcement the police, available supportive measures such as assistance from domestic violence or rape crisis programs, and community health resources including counseling resources.</p> <p>4. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing informal reports and formal complaints.</p>	
Section 4	<p><u>Guidelines</u></p> <p>When district programs and activities include separation on the basis of sex, in accordance with law and regulations, including but not limited to separate restroom or changing facilities, the district shall not implement such programs or activities in a manner that discriminates on the basis of sex, including an individual's gender identity.</p> <p>Violations of this policy, including acts of retaliation as defined in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures, and in accordance with applicable law and regulations.</p>	<p>34 CFR 106.31, 106.41</p> <p>34 CFR 106.45 Pol. 817, 817.1</p>

	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p>The Board requires a notice stating that the District does not discriminate in any manner, including Title IX sexual-based discrimination and harassment, in any district education program or activity, to be issued to all students, persons in parental relationarents/guardians or other legal representatives of students, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the name or title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator.</p> <p>The Board directs that this noticethe foregoing statement of Board policy be included in each student and staff handbook, on the District website, and in each catalog, announcement, bulletin and application form for applicants and employeesand that this policy and related attachments be posted to the District's website. An abbreviated statement of the District's prohibition of discrimination, that individuals may report concerns to the Title IX Coordinator and location of the full notice on the district website may be published when necessary due to size or format of publications. A copy of this policy and related attachments shall also be posted to the District's website.</p> <p>The Board shall engage in the interactive process with qualified employees and provide reasonable accommodations in accordance with applicable law and regulations.</p> <p>The District shall not require a qualified employee to take paid or unpaid leave for pregnancy, childbirth or pregnancy-related medical conditions if another reasonable accommodation can be provided to address the employee's known limitations.</p> <p><u>Reports of Title IX Sexual-Based Discrimination and Harassment and Other Discrimination and Retaliation</u></p> <p>The Board encourages employees, applicants and third parties who believe they or others have been subject to Title IX sexual-based discrimination and harassment, other discrimination, harassment or retaliation to promptly report such incidents to the Title IX Coordinatorbuilding principal or building administrator.</p>	<p>34 CFR 106.8</p> <p>34 CFR 106.8</p> <p>42 U.S.C. 12101 et seq 29 CFR Part 1630.1 et seq, 1636</p> <p>29 CFR 1636.4 Pol. 835, 837, 839</p>
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p>A person who is not an intended victim or target of discrimination or harassment but is adversely affected by the conduct may file a report of sex-based discrimination.</p> <p>An employee serving in a supervisory position who suspects or is notified that a district employee may have been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Title IX Coordinator.</p> <p>If the Title IX Coordinatorbuilding principal or building administrator is the subject of a complaint, the complainant, building principal or the individual making the report shall direct the report of the incident to the Superintendent or designeeTitle IX Coordinator.</p> <p>The complainant or the individual making the report may use the Discrimination/Harassment/Retaliation Report Form attached to this policy (104-AR-1) for purposes of reporting an incident or incidents in writing; however, oral reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.</p> <p>The building principal or building administrator shall promptly notify the Title IX Coordinator of all reports of discrimination, harassment, Title IX sexual-based discrimination and harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures and reasonable safety concerns.</p> <p>The Title IX Coordinator shall conduct an assessment to determine whether the conduct reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in 104-AR-2 to this policy, or if the reported circumstances meets the definition of Title IX sexual-based discrimination or harassment and the appropriate procedures to address the conduct in accordance with this Board policy and procedures, or other Board policies.are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in</p>	<p>34 CFR 106.44</p> <p>34 CFR 106.44</p>
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p>104 AR 3, or other Board policies.</p> <p>If the Title IX Coordinator reasonably determines that the conduct may constitute sex-based discrimination or harassment, or other discrimination or harassment, the Title IX Coordinator shall take the following steps under applicable law and regulations, this Board policy and procedures:</p> <ol style="list-style-type: none"> 1. Treat the complainant and respondent equitably. 2. Offer and coordinate supportive measures, as appropriate, for the complainant and respondent. 3. Notify the complainant or individual who reported the conduct of the grievance procedures and informal resolution process, if available and appropriate. 4. If a complaint is made, notify the respondent of the grievance procedures and, if applicable, the informal resolution process. 5. Initiate the grievance procedures or informal resolution process, if available and appropriate. 6. In the absence of a complaint or withdrawal of any or all allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint under the grievance procedures, in accordance with law, regulations and the grievance procedures. 7. If initiating a complaint under the grievance procedures, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety and the safety of others, including by providing supportive measures. 8. Take other prompt and effective steps to ensure that sex-based discrimination and harassment or other discrimination or harassment does not continue or recur within the District's education programs or activities. 	<p>34 CFR 106.44</p>
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p><u>Disciplinary Procedures when Reports Allege Title IX Sexual-Based Discrimination or Harassment</u></p> <p>When a report alleges Title IX sexual-based discrimination or harassment, disciplinary sanctions may not be imposed until the completion of the grievance procedures ss for formal complaints outlined in 104-AR-3. The District shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance procedures ss for formal complaints.</p> <p><i>Administrative Leave –</i></p> <p>When an employee, based on an individualized safety and risk analysis, poses an imminent and serious immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis. The employee will be provided with notice and provided an opportunity to challenge the emergency removal immediately following the removal.</p> <p>An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance procedures ss for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.</p> <p><u>Confidentiality</u></p> <p>Confidentiality of all parties, witnesses, the allegations, the filing of a report, and the investigation related to any form of discrimination or retaliation, including Title IX sexual-based discrimination or harassment, shall be handled in accordance with state applicable law, and regulations, Board this policy and procedures, the attachments and the District's legal and investigative obligations to carry out the grievance procedures.</p> <p>The District shall not disclose personally identifiable information except in the following circumstances:</p> <ol style="list-style-type: none"> 1. When the District has obtained prior written consent in 	<p>34 CFR 106.45</p> <p>34 CFR 106.44 Pol. 817</p> <p>34 CFR 106.45, 106.71 20 U.S.C. 1232g 34 CFR Part 99</p> <p>34 CFR 106.44 20 U.S.C. 1232g 34 CFR Part 99 Pol. 103, 113.4,</p>
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p>accordance with law.</p> <ol style="list-style-type: none"> When student information is disclosed to a person in parental relation as defined in Board policy or other authorized legal representative with the legal right to receive disclosures on behalf of the individual. To carry out the requirements of this policy and the accompanying procedures. As required or permitted by applicable law or regulations or the requirements of grant funding. <p><u>Retaliation</u></p> <p>The Board prohibits retaliation by the District or any other person against any person for:</p> <ol style="list-style-type: none"> Reporting or making a formal complaint of conduct that may constitute any form of discrimination or retaliation, including Title IX sexual-based discrimination or harassment. 1. Testifying, assisting, participating in any manner or refusing to participate in a related investigation, process or other proceeding or hearing. Acting in opposition to practices the person reasonably believes to be discriminatory. <p>The District, its employees and others are prohibited from intimidating, threatening, harassing, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if they believe retaliation has occurred. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination. The District shall respond to reports of retaliation by initiating the appropriate procedures in accordance with applicable law, regulations and this Board policy. Retaliation that falls under Title IX shall be addressed through the grievance procedures or, as appropriate, through the informal resolution process.</p>	<p>216, 324</p> <p>34 CFR 106.71 29 CFR 1636.5</p> <p>34 CFR 106.71</p>
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p><u>Title IX Sexual-Based Discrimination and Harassment Training Requirements</u></p> <p>The district shall provide training annually to all school employees on:</p> <ol style="list-style-type: none"> 1. The District's obligation to address sex-based discrimination and harassment in district education programs and activities. 2. The scope of conduct that constitutes sex-based discrimination and harassment, as defined in the law and this policy. 3. Staff responsibility to provide the Title IX Coordinator's contact information to students or parents/guardians and to notify the Title IX Coordinator regarding conduct that may constitute sex-based discrimination or harassment, in accordance with Board policy and procedures. <p>The Compliance Officer and Title IX Coordinator, investigator(s), decision-maker(s), or any staff responsible to implement grievance procedures individual designated to facilitate an informal resolution process related to Title IX sexual-based discrimination or harassment and any staff authorized to modify or terminate supportive measures shall receive the following training annually, as required or appropriate to their specific role:</p> <ol style="list-style-type: none"> 1. The District's obligations under Title IX, including dDefinitions of sexual-based discrimination and harassment. 2. The grievance procedures used to address Title IX complaints.Scope of the district's education program or activity, as it pertains to what is subject to Title IX regulations. 3. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, interviewing witnesses, evaluating credibility, drafting reports written and determinations, and handling 	<p>34 CFR 106.8</p> <p>Pol. 103</p> <p>34 CFR 106.8</p>
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p>appeals and informal resolution processes, as applicable.</p> <p>4. How to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest and bias.</p> <p>5. Use of relevant technology.</p> <p>6.5.Issues of relevance in relation to including when questions and evidence, and the types of evidence that are impermissible regardless of relevance about the complainant's sexual predisposition or prior sexual behavior are not relevant.</p> <p>7. Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.</p> <p>8.6.How to address complaints when the alleged conduct does not qualify as Title IX sexual-based discrimination or harassment but could be addressed under another complaint process or Board policy.</p> <p>Staff designated to facilitate the informal resolution process shall receive training annually on the rules and practices associated with the informal resolution process and how to serve impartially, including by avoiding conflicts of interest and bias.[28]</p> <p>The Title IX Coordinator and designees shall receive the following training annually, in addition to all other training required by Title IX and this policy:</p> <ol style="list-style-type: none"> 1. Specific responsibilities of the Title IX Coordinator, in accordance with law and Board policy and procedures. 2. The District's recordkeeping system and requirements for recordkeeping in accordance with Title IX and Board policy and administrative regulations. 3. Any other training required to coordinate the District's compliance with Title IX and other applicable laws, 	<p>Pol. 806, 817, 817.1, 847</p> <p>34 CFR 106.8</p> <p>34 CFR 106.8</p> <p>Pol. 324, 800</p>
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	<p style="text-align: center;">POLICY NO. 104 DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STAFF</p> <p style="text-align: center;">regulations and Board policy.</p> <p>All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes be retained for at least seven (7) years and must be made available for inspection upon request from a member of the public.</p> <p><u>Disciplinary Consequences</u></p> <p>An employee who violates this policy, including a determination of sex-based harassment, shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.</p> <p><u>Handling of Reports of Discrimination</u></p> <p>All reports of discrimination or Title IX sex-based discrimination or harassment shall be handled in accordance with the Grievance Procedures attached to this policy.</p> <p>Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed, religion, sex, sexual orientation, ancestry, genetic information, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in 104 AR 2 to this policy.</p> <p><u>Reports of Title IX Sexual Harassment</u></p> <p>Any reports deemed by the Title IX Coordinator to meet the definition of sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in 104 AR 3 to this policy.</p> <p>Previously Revised: October 20, 2020; March 20, 2018; June 26, 2014; February 16, 1998</p>	<p>34 CFR Part 106.8 Pol. 800, 801</p> <p>Pol. 817, 817.1</p>
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POLICY NO. 104
DISCRIMINATION/~~TITLE IX SEXUAL~~ HARASSMENT
AFFECTING STAFF

References:

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.

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

Federal Anti-Discrimination and Civil Rights Regulations – 29 CFR 1604.11, 1606.8

U.S. Const. Amend. XIV, Equal Protection Clause

EEOC Enforcement Guidance on Harris v. Forklift Sys., Inc., November 9, 1993

EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 18, 1999

EEOC Policy Guidance on Current Issues of Sexual Harassment, March 19, 1990

Board Policy – 806, 817, 817.1, 847

Policy Guide

Policy No. 210Section PUPILSTitle MEDICATIONSAdopted AUGUST 21, 1989Last Revised APRIL 16, 2019

	POLICY NO. 210 MEDICATIONS	
Section 1	<p><u>Purpose</u></p> <p>The purpose of this policy shall be to set forth guidelines for the administration of medications to students during school hours.</p> <p>The administration of prescribed medication to a student during school hours in accordance with the written direction of the student's licensed medical healthcare provider and the written request of the person in parental relation<u>parent/guardian</u> will be permitted only when failure to take such medicine would jeopardize the health of the student, and the student would not be able to attend school if the medicine were not available during school hours.</p> <p>The administration of over-the-counter medication will also be permitted with the written consent of the parent/guardian. <u>The administration of over-the counter medication requires a written order from a licensed medical healthcare provider, known as a medication order, which must be provided to the school nurse.</u></p> <p>This policy shall be interpreted consistent with all applicable state and federal regulations.</p> <p>The District shall act in a manner consistent with the ADA, Section 504, the IDEA and all other laws protecting the rights of students with disabilities.</p> <p>Whenever a student has a Section 504 plan and/or IEP, that plan supersedes this policy to the extent it contains different and/or more detailed provisions than those set forth in this policy.</p>	<p>22 PA Code 12.41</p> <p>Pol. 103.1</p>

	<p style="text-align: center;">POLICY NO. 210 MEDICATIONS</p> <p>Section 2 <u>Definitions</u></p> <p>Licensed medical healthcare provider – A medical doctor (MD), osteopathic physician (DO), dentist, physician assistant, and certified nurse practitioner, who can legally prescribe medications in the Commonwealth of Pennsylvania.</p> <p>Nurse paraprofessional – An individual who is a registered nurse (RN) or a licensed practical nurse (LPN) in Pennsylvania. Nurse paraprofessionals work under the supervision of a School Nurse.</p> <p>Over-the-counter (“OTC”) medication – Medication which can be purchased or obtained without a licensed medical healthcare provider’s written prescription. As set forth below, the use of OTC medications in the District will require written consent of the parent/guardiana written order, known as a medication order, from a licensed medical healthcare provider, which must be provided to the school nurse. The order must contain the name of the medication, the dosage, the route in which it is to be administered, the timing (specific time of day, intervals), the diagnosis/reason, and any other important information.</p> <p>Prescription medication – Medication which can only be purchased or obtained with a licensed medical healthcare provider’s written prescription. As set forth below, the use of prescription medications in the District will require a written order from the student’s licensed medical health care provider and with the written consent of the person in parental relationparent/guardian.</p> <p>School nurse – An individual qualified and certified by the Pennsylvania Department of Education as a Public School Nurse (CSN), and serving the District in that capacity.</p> <p>Section 3 <u>Guidelines</u></p> <p><u>Delivery of Medication</u></p>	
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	<p style="text-align: center;">POLICY NO. 210 MEDICATIONS</p> <p>All medication must be in an original pharmaceutical container bearing the date, the student's name, the licensed medical healthcare provider'sphysician's name, the instructions for administration, dosage, frequency, the pharmacist's name, and the pharmacy label.</p> <p>Medication and/or medical devices, whether prescription or non-prescription, shall be delivered to the office of the school nurse in the building to which the student is regularly assigned. Students' possession and self-administration of asthma inhalers is permitted, in accordance with Policy No. 210.1 concerning the use of such devices.</p> <p>Medications will be stored in a locked container in the School Nurse's office unless the licensed medical healthcare providerphysician indicates in writing that the medication needs to be kept with the student. Medications requiring refrigeration shall be appropriately refrigerated. The Building Principal and the School Nurse shall oversee the proper storage of all medications in the building.</p> <p>Any medication/medical device provided to the District for a chronic condition will be returned only to the person in parental relationparent/guardian at the end of each school year, and the District will record the date, time, amount and signature of the person in parental relationparent/guardian to whom the medication was returned. A new licensed medical healthcare provider'sphysician's order, person in parental relationparent/guardian consent form and supply of medication will be required at the commencement of each school year, in instances where the medication must be continued for the student.</p> <p><u>Medication Registration</u></p> <p>Before any medication, whether prescribed or OTC, may be administered to, or self-administered by, any student during school hours, the Board shall require the written request of the parent/guardian, giving permission for such administration and relieving the Board and its employees of liability and responsibility for administration of any or all medications.order from a medical healthcare provider, known as a medication order, which must be provided to the school nurse. The order</p>	<p>SC 510 22 PA Code 12.41</p> <p>Pol. 210.1</p>
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	<p style="text-align: center;">POLICY NO. 210 MEDICATIONS</p> <p><u>must contain the name of the medication, the dosage, the route in which it is to be administered, the timing (specific time of day, intervals), the diagnosis/reason, and any other important information.</u></p> <p><u>Student Self-Administration of Medication</u></p> <p>Before a student may possess/self-administer medication in the school setting, the District shall require the following:</p> <ol style="list-style-type: none"> 1. All requirements for “Medication Registration” are completed, including <u>person in parental relation</u>parent/guardian permission for student to possess/self-administer such medication. 2. A written acknowledgement from the School Nurse that the student has demonstrated that <u>they/s/he</u> are<u>is</u> capable of self-administration of the medication in the school setting. Determination of competency for self-administration shall be based on the student’s age, cognitive function, maturity and demonstration of responsible behavior. 2. 3. A written acknowledgement from the student that <u>they/s/he</u> have<u>s</u> received instruction from the student's licensed <u>medical healthcare provider</u> physician, certified registered nurse practitioner or physician assistant on proper safety precautions for the handling and disposal of the medication, including acknowledgement that the student will not allow other students to have access to the prescribed medication and that <u>they/s/he</u> understands appropriate safeguards. <p>Prescribed medication which must be measured or poured immediately prior to use or which must be administered by syringe, may be self-administered. However, self-administration must be in the presence of the School Nurse or Nurse Paraprofessional.</p> <p>Students shall be prohibited from sharing, giving, selling, and using a medication in any manner other than which it is prescribed during school hours, at any time while on school property, at any school-sponsored activity, and during the time</p>	
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Pol. 103.1, 113.1,
218, 227

	<p style="text-align: center;">POLICY NO. 210 MEDICATIONS</p> <p>spent traveling to and from school and school-sponsored activities. Violations of this policy, provisions of a Service Agreement or IEP, or demonstration of unwillingness or inability to safeguard medication may result in loss of privilege to self-carry medication and disciplinary action in accordance with Board policy and applicable procedural safeguards.</p> <p><u>Personnel Involved in Administration/ Supervision or Self-Administration of Medication</u></p> <p>1. The School Nurse is designated as the primary person responsible for the administration of medication, supervision of self-administration of medication, and supervision of the use of medical devices, whether prescription or nonprescription; however, students are permitted to possess and self-administer asthma inhalers and epinephrine auto-injectors in accordance with Policy No. 210.1. The School Nurse shall be responsible for:</p> <ul style="list-style-type: none">a. Conferring with <u>persons in parental relation</u>parent/guardians.b. <u>b.</u> Administration of medication and/or the use of medical devices in certain circumstances as required by law.c. Maintenance of the records of administration or self-administration of prescribed and/or non-prescribed medications and/or the use of medical devices pursuant to the policy.d. Alerting appropriate school staff to possible side effects of the medication. Notifying and alerting appropriate staff if the student is to refrain from any specific school activity.e. Conferring with <u>licensed medical healthcare providers</u>physicians and pharmacists as necessary.f. Supervising the self-administration of medication and/or use of medical devices by students, provided however, that when the School Nurse is	Pol. 210.1
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	<p style="text-align: center;">POLICY NO. 210 MEDICATIONS</p> <p>unavailable, and it is not medically required that the School Nurse supervise the student's self-administration of medication, approved personnel will supervise the self-administration of medication.</p> <p>2. In appropriate circumstances, after consultation between the building principal and the School Nurse, the building principal may designate in writing appropriate personnel to supervise the self-administration of medication/medical devices, whether prescription or non-prescription. They shall be responsible for:</p> <ul style="list-style-type: none"> a. Adhering to the directives provided by the School Nurse in the supervision of self-administration of medication and/or use of medical devices by students. b. Reporting to the School Nurse any apparent observable side effects and any other difficulty in the student's self-administration of medication and/or use of medical devices. <p>3. Responsibility for measuring or pouring medications and/or injecting medications shall rest with the School Nurse and/or Nurse Paraprofessional, the student themselves, where appropriate, or the student's <u>person in parental relation</u>parent/guardian, or other adult individual designated by the <u>person in parental relation</u>parent/guardian and the student's <u>licensed medical healthcare provider</u>physician as an appropriate individual to administer the medication.</p>	
Section 4	<p><u>Delegation of Responsibility</u></p> <p>The Superintendent or designee shall develop procedures for the administration and self-administration of students' medications that shall be consistent with guidelines contained in this policy.</p> <p>All prescribed and OTC medications shall be administered (or supervised in the event of the student's self-administration) by the school district nurse, or other appropriately trained and designated district staff.</p>	

**POLICY NO. 210
MEDICATIONS**

All district employees involved in the administration or supervision of self-administration of medication shall receive documented and appropriate training provided by the school district before performing this responsibility.

The Superintendent or designee shall regularly review the procedures for administration and self-administration of medications and shall evaluate recordkeeping, safety practices, and effectiveness of this policy.

References:

School Code – 24 P.S. Sec. 510

State Board of Education Regulations – 22 PA Code Sec. 12.41

[Guidelines from Pennsylvania Schools for the Administration of Medications and Emergency Care \(PA Department of Health\)](#)

Board Policy – Pol. 103.1, 113.1, 210.1, 218, 227

Revision History: [April 16, 2019](#); November 16, 2009; October 19, 1998