



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

**BOARD OF SCHOOL DIRECTORS**

**BUSINESS/LEGISLATIVE SESSION  
TUESDAY, APRIL 18, 2023  
7:00 PM**

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

## **Tuesday, April 18, 2023 – Business/Legislative**

### **7:00 PM Meeting**

- Call to Order – President
- Pledge of Allegiance
- **Golden Oaks Design Recognition**
- Public Comment
- Approval of Reports
- Public Comment
- Adjournment

## **Tuesday, May 9, 2023 – Work Session**

### **7:00 PM Meeting**

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

# **BOARD PRESIDENT'S REPORT**

**APRIL 18, 2023**

**Mrs. Theresa Lydon**

## **BOARD ACTION REQUESTED**

### **I. BOARD MINUTES**

It is recommended that the Board approve the Work Session Minutes of March 14, 2023 and the Business/Legislative Minutes of March 21, 2023.

## **FOR INFORMATION ONLY**

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

# **SUPERINTENDENT'S REPORT**

**APRIL 18, 2023**

**Dr. William P. Stropkaj**

## **BOARD ACTION REQUESTED**

### **I. SECOND READING POLICY 103: DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STUDENTS**

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

### **II. SECOND READING ATTACHMENT 103-AR-1: DISCRIMINATION/SEXUAL HARASSMENT/ BULLYING/HAZING/DATING VIOLENCE/RETALIATION REPORT FORM**

It is recommended that the Board approve the SECOND READING of Attachment 103-AR-1:  
*Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form.*

### **III. SECOND READING ATTACHMENT 103-AR-2: DISCRIMINATION COMPLAINT PROCEDURES**

It is recommended that the Board approve the SECOND READING of Attachment 103-AR-2:  
*Discrimination Complaint Procedures.*

### **IV. SECOND READING ATTACHMENT 103-AR-3: TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS**

It is recommended that the Board approve the SECOND READING of Attachment 103-AR-3:  
*Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints.*

### **V. SECOND READING POLICY 103.1: NONDISCRIMINATION-QUALIFIED STUDENTS WITH DISABILITIES**

It is recommended that the Board approve the SECOND READING of Policy 103.1:  
*Nondiscrimination-Qualified Students with Disabilities.*

### **VI. SECOND READING ATTACHMENT 103.1-AR-1: REPORT FORM FOR COMPLAINTS OF DISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES**

It is recommended that the Board approve the SECOND READING of Attachment 103.1-AR-1:  
*Report Form for Complaints of Discrimination – Qualified Students with Disabilities.*

**VII. SECOND READING ATTACHMENT 103.1-AR-2: PROCEDURAL SAFEGUARDS NOTIFICATION**

It is recommended that the Board approve the SECOND READING of Attachment 103.1-AR-2: *Procedural Safeguards Notification*.

For Information Only

Attachment 103.1-AR-2: Procedural Safeguard Notification does not have any changes but was reviewed by the Policy Committee and Administrators.

**VIII. SECOND READING ATTACHMENT 103.1-AR-4: PARENT/GUARDIAN REQUEST FOR EVALUATION, TERMINATION, OR MODIFICATION UNDER SECTION 504.**

It is recommended that the Board approve the SECOND READING of Attachment 103.1-AR-4: *Parent/Guardian Request for Evaluation, Termination, or Modification under Section 504*.

For Information Only

Attachment 103.1-AR-4: *Parent/Guardian Request for Evaluation, Termination, or Modification under Section 504* does not have any changes but was reviewed by the Policy Committee and Administrators.

**IX. SECOND READING POLICY 127: ASSESSMENT SYSTEM**

It is recommended that the Board approve the SECOND READING of Policy 127: *Assessment System*.

**X. SECOND READING POLICY 919.1: TITLE I DORMONT ELEMENTARY SCHOOL PARENT AND FAMILY ENGAGEMENT POLICY**

It is recommended that the Board approve the SECOND READING of Policy 919.1: *Title I Dormont Elementary School Parent and Family Engagement Policy*.

**XI. SECOND READING POLICY 919.2: TITLE I MYRTLE AVENUE ELEMENTARY SCHOOL PARENT AND FAMILY ENGAGEMENT POLICY**

It is recommended that the Board approve the SECOND READING of Policy 919.1: *Title I Myrtle Avenue Elementary School Parent and Family Engagement Policy*.

# **EDUCATION REPORT**

**APRIL 18, 2023**

**Mrs. Tamara Donahue, Chairperson**

## **BOARD ACTION REQUESTED**

### **I. CHANGE TO PROGRAM OF STUDIES**

It is recommended that the Board approve to eliminate Appendix C, AP Student Contract, from the High School 2023/2024 Program of Studies.

# **PUPIL PERSONNEL REPORT**

**APRIL 18, 2023**

**Dr. William P. Stropkaj**

## **BOARD ACTION REQUESTED**

### **I. ALLEGHENY INTERMEDIATE UNIT: NOTICE OF ADOPTION OF POLICIES, PROCEDURES, & USE OF FUNDS FOR THE 2023/2024 SCHOOL YEAR**

It is recommended that the Board approve the Allegheny Intermediate Unit Notice of Adoption of Policies, Procedures and Use of Funds for the 2023/2024 school year in accordance with federal requirements of 34 CFR PART 300.

### **II. IDEA – PART B: USE OF FUNDS AGREEMENT 2023/2024**

It is recommended that the Board approve the sub-grant agreement for Implementation of Individuals with Disabilities Act – Part B, by and between the Allegheny Intermediate Unit and the Keystone Oaks School District, effective July 1, 2023 through June 30, 2024.

### **III. SETON HILL UNIVERSITY**

It is recommended that the Board approve the College in High School Dual Credit Agreement between Seton Hill University and the Keystone Oaks School District.

### **IV. ROBERT MORRIS UNIVERSITY**

It is recommended that the Board approve the High School Enrollment Agreement between Robert Morris University and the Keystone Oaks School District.

### **V. UNIVERSITY OF PITTSBURGH**

It is recommended that the Board approve the Concurrent Enrollment Agreement between University of Pittsburgh and the Keystone Oaks School District.

# PERSONNEL REPORT

**APRIL 18, 2023**

**Mrs. Theresa Lydon, Chairperson**

## **BOARD ACTION REQUESTED**

### **I. RETIREMENT**

It is recommended that the Board accept the following retirement:

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>	<u>Years of Service</u>
Carol Shanahan	Paraprofessional – Dormont	June 30, 2023	21

### **II. APPOINTMENTS**

#### **1. Paraprofessional**

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

**Katie Prosser**

Paraprofessional – Dormont

Effective – May 13, 2023

Salary - \$15.00/hour

#### **2. Food Service Personnel**

It is recommended that the Board approve the employment of the following Food Service Personnel:

<u>Name</u>	<u>Effective Date</u>	<u>Salary</u>
<b>Bridgette Battung</b>	April 3, 2023	\$13.00/hour
<b>Amanda Henry</b>	March 27, 2023	\$13.00/hour
<b>Elena Shefler</b>	March 20, 2023	\$13.00/hour

#### **3. Short-Term Substitute**

It is recommended that the Board approve the employment of the following Short-Term Substitute:

**Cynthia DeMaio**

School Counselor – High School

Effective – April 3, 2023

Salary – \$130.00/per day



#### **4. 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 2022/2023 school year:

<b><u>Activity</u></b>	<b><u>Position</u></b>	<b><u>Sponsor</u></b>	<b><u>Stipend</u></b>
<b>Musical (HS)</b>	Assistant	<b>Megan Bonenberger</b>	\$1,000.00
	Assistant	<b>Andrew Hook</b>	\$600.00

#### **5. Food Service Personnel – Change in Hourly Wage**

It is recommended that the Board approve the change in hourly wages for the following Food Service Personnel retroactive to the start of the 2022/2023 school year:

<b><u>Employee</u></b>	<b><u>New Wage</u></b>
<b>Monique Nowacki</b>	\$13.00

### **III. SABBATICAL LEAVE**

It is recommended that the Board approve the following individuals for sabbatical leave:

**Sarah Fontanesi**  
High School/English  
1<sup>st</sup> semester 2023/2024 school year

**Danielle Kandrack**  
High School/Math  
2023/2024 school year

### **IV. UNPAID LEAVE OF ABSENCE**

It is recommended that the Board approve the following individual for an unpaid leave of absence:

Employee #4745 – beginning April 14, 2023

# FINANCE REPORT

APRIL 18, 2023

Mr. Nafis Hill, Chairperson

## **BOARD ACTION REQUESTED**

### **I. AUDITED FINANCIAL STATEMENTS**

The Administration recommends that the Board accept the Audited Financial Statements as of June 30, 2022 as presented.

### **II. ACCOUNTS PAYABLE APPROVAL LISTS THROUGH MARCH 31, 2023**

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

A. General Fund as of March 31, 2023 (Check No. 69091-69302)	\$1,281,939.57
B. Food Service Fund as of March 31, 2023 (Check No. 9724-9730)	\$48,608.25
C. Athletics as of March 31, 2023 (Check No. 3430-3431)	\$3,590.50
D. Capital Reserve as of March 31, 2023 (None)	\$0.00
<b>TOTAL</b>	<b>\$1,334,138.32</b>

**FOR INFORMATION ONLY****I. EXPENDITURE/REVENUE 2022 – 2023 BUDGET to ACTUAL / PROJECTION**

ACCT	DESCRIPTION	2022-2023 BUDGET TOTAL	2022-2023 9 MONTH MARCH/ACTUAL	OVER (UNDER) BUDGET
<b>Revenue</b>				
6000	Local Revenue Sources	\$ 32,605,235	\$ 32,526,654	\$ (78,581)
7000	State Revenue Sources	\$ 12,384,162	\$ 9,025,939	\$ (3,358,223)
8000	Federal Revenue Sources	\$ 3,179,907	\$ 959,709	\$ (2,220,198)
<b>Total Revenue</b>		<b>\$ 48,169,304</b>	<b>\$ 42,512,302</b>	<b>\$ (5,657,002)</b>

				(OVER) UNDER BUDGET
<b>Expenditures</b>				
100	Salaries	\$ 18,900,284	\$ 11,712,796	\$ 7,187,488
200	Benefits	\$ 12,181,398	\$ 7,638,765	\$ 4,542,633
300	Professional/Technical Services	\$ 2,074,087	\$ 1,436,610	\$ 637,477
400	Property Services	\$ 1,303,987	\$ 1,032,399	\$ 271,588
500	Other Services	\$ 5,494,138	\$ 3,842,305	\$ 1,651,833
600	Supplies/Books	\$ 1,664,642	\$ 1,272,545	\$ 392,097
700	Equipment/Property	\$ 463,355	\$ 536,424	\$ (73,069)
800	Other Objects	\$ 225,450	\$ 174,051	\$ 51,399
900	Other Financial Uses	\$ 6,155,158	\$ 6,927,145	\$ (771,987)
<b>Total Expenditures</b>		<b>\$ 48,462,499</b>	<b>\$ 34,573,041</b>	<b>\$ 13,889,458</b>

<b>Revenues exceeding Expenditures</b>	<b>\$ (293,195)</b>	<b>\$ 7,939,261</b>	<b>\$ 8,232,456</b>
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**Other Financing  
Sources/(Uses)**

Interfund Transfers In (Out)	\$ -	\$ -	\$ -
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**II. SUMMARY OF STUDENT ACTIVITIES ACCOUNTS AS OF MARCH 31, 2023**

<b>Bank Account - Status</b>	<b>Middle / High School</b>	<b>Athletics</b>
Cash Balance - 03/01/2023	\$ 186,960.20	\$ 24,467.69
Deposits	\$ 7,729.59	\$ 1,442.45
Subtotal	\$ 194,689.79	\$ 25,910.14
Expenditures	\$ 222.00	\$ 5,040.50
Cash Balance - 03/31/2023	\$ 194,467.79	\$ 20,869.64

**III. BANK BALANCES****BANK BALANCES PER STATEMENT AS OF MARCH 31, 2023**

	<b>BALANCE</b>
<b>GENERAL FUND</b>	
FNB BANK	\$ 2,633,066
PAYROLL (pass-thru account)	\$ 5,529
FNB SWEEP ACCOUNT	\$ -
ATHLETIC ACCOUNT	\$ 24,468
PLGIT	\$ 8,567,471
FNB MONEY MARKET	\$ 3,775,848
PSDLAF	\$ 166,313
INVEST PROGRAM	\$ 185,883
OTHER POST-EMPLOYMENT BENEFITS	\$ 2,031,388
COMPENSATED ABSENCES	\$ 440,258
	<b>\$ 17,830,224</b>
<b>CAFETERIA FUND</b>	
FNB BANK	\$ 993,911
PLGIT	\$ 683,729
	<b>\$ 1,677,640</b>
<b>CONSTRUCTION FUND / CAP RESERVE</b>	
FNB BANK	\$ 42,239
PLGIT - G.O. BOND SERIES C OF 2014/ 12-19	\$ 822
	<b>\$ 43,061</b>
<b>GRAND TOTAL</b>	<b>\$ 19,550,925</b>

# **BUILDINGS, GROUNDS & TRANSPORTATION REPORT**

**APRIL 18 2023**

**Mr. Santo Raso, Chairperson**

## **BOARD ACTION REQUESTED**

### **I. SAND FILTER SYSTEM**

It is recommended that the Board approve the proposal from B&R Pools and Swim Shop to install a new pressure sand filter system at a cost not to exceed \$78,300.00.

# **ACTIVITIES & ATHLETICS REPORT**

## **APRIL 18, 2023**

**Mr. Thomas LaPorte, Chairperson**

### **BOARD ACTION REQUESTED**

#### **I. COMPETITIVE EVENT**

It is recommended that the Board approve the following competitive event:

**PMEA All-State Festival (Level III)**

Kalahari Resort, Pocono Manor, PA

April 19 – 22, 2023

Number of Students – 2

District Funds Requested - \$1,000.00

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 OCTOBER 20, 2020

POLICY NO. 103 DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS		
Section 1	<p><b><u>Authority</u></b></p> <p>The Board declares it to be the policy of this District to provide an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the schools without discrimination on the basis of race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category.</p> <p>The Board also declares it to be the policy of this District to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the District may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.</p> <p>The District is committed to the maintenance of a safe, positive learning environment for all students that is free from discrimination by providing all students course offerings, counseling, assistance, services, employment, athletics and extracurricular activities without any form of discrimination, including Title IX sexual harassment. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the District and is prohibited at or, in the</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. 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 style="text-align: center;"><b>POLICY NO. 103</b>  <b>DISCRIMINATION/TITLE IX SEXUAL</b>  <b>HARRASSMENT AFFECTING STUDENTS</b></p> <p>course of, district-sponsored programs or activities and including transportation to or from a school or school-sponsored activities.</p> <p>Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures.</p> <p>The Board directs that the foregoing statement of Board policy be included in each student and staff handbook, and that this policy and related attachments be posted to the District's website.</p> <p>The Board requires a notice stating that the District does not discriminate in any manner, including Title IX sexual harassment, in any district education program or activity, to be issued to all students, person(s) in parental relation, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the District. All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator.</p> <p><u>Reports of Title IX Sexual 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 harassment, other discrimination or retaliation promptly report such incidents to the building principal, even if some elements of the related incident took place or originated away from school grounds, school activities or school conveyances. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.</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.</p>	<p>Pol. 113.1, 218, 233, 817</p>
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	<p style="text-align: center;"><b>POLICY NO. 103</b>  <b>DISCRIMINATION/TITLE IX SEXUAL</b>  <b>HARRASSMENT AFFECTING STUDENTS</b></p> <p>A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.</p> <p>If the building principal is the subject of a complaint, the student, third party, or reporting employee shall report the incident directly to the Title IX Coordinator.</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, verbal 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 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.</p> <p>The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in 103-AR-2 to this policy, or if the reported circumstances meet the definition of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in 103-AR-3, or other Board policies.</p> <p><u>Disciplinary Procedures When Reports Allege Title IX Sexual Harassment</u></p> <p>When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in 103-AR-3.</p>	Pol. 806
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	<p style="text-align: center;"><b>POLICY NO. 103</b>  <b>DISCRIMINATION/TITLE IX SEXUAL</b>  <b>HARRASSMENT AFFECTING STUDENTS</b></p> <p>The District shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.</p> <p>When an emergency removal, as described in 103-AR-3, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.</p> <p>When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.</p> <p><u><a href="#">Discipline/Placement of Student Convicted or Adjudicated of Sexual Assault</a></u></p> <p><u><a href="#">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.</a></u></p> <p><u><a href="#">Confidentiality</a></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 harassment, shall be handled in accordance with applicable law, regulations, this policy, the attachments and the District's legal and investigative obligations.</p>	<p>Pol. 113.1, 113.2, 113.3, 233</p> <p>Pol. <del>113.1</del>, 113.2, <u><a href="#">113.3</a></u> 218, 233</p> <p><u><a href="#">24 P.S. 1318.1</a></u></p> <p>20 U.S.C. 1232g  34 CFR 106.44,  106.45, 106.71  34 CFR Part 99</p>
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<p>Section 2</p>	<p style="text-align: center;"><b>POLICY NO. 103</b> <b>DISCRIMINATION/TITLE IX SEXUAL</b> <b>HARRASSMENT AFFECTING STUDENTS</b></p> <p><u>Retaliation</u></p> <p>The Board prohibits retaliation by the District or any other person against any person for:</p> <ol style="list-style-type: none"> <li>1. Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment.</li> <li>2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.</li> <li>3. Acting in opposition to practices the person reasonably believes to be discriminatory.</li> </ol> <p>The District, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have occurred. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.</p> <p><u>Definitions</u></p> <p><b>Complainant</b> shall mean an individual who is alleged to be the victim.</p> <p><b>Respondent</b> shall mean an individual alleged to be the perpetrator of the discriminatory conduct.</p> <p><u>Discrimination</u></p> <p><b>Discrimination</b> shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category.</p>	<p>34 CFR 106.71</p>
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**POLICY NO. 103**  
**DISCRIMINATION/TITLE IX SEXUAL**  
**HARRASSMENT AFFECTING STUDENTS**

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

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

Definitions Related to Title IX Sexual Harassment

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

34 CFR 106.30,  
106.45

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

34 CFR 106.30

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including [mMeasures](#)

34 CFR 106.30

	<p style="text-align: center;"><b>POLICY NO. 103</b>  <b>DISCRIMINATION/TITLE IX SEXUAL</b>  <b>HARRASSMENT AFFECTING STUDENTS</b></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"> <li>1. Counseling</li> <li>2. Extensions of deadlines or other course-related adjustments.</li> <li>3. Modifications of work or class schedules.</li> <li>4. Campus escort services.</li> <li>5. Mutual restrictions on contact between the parties.</li> <li>6. Leaves of absence.</li> <li>7. Increased security.</li> <li>8. Monitoring of certain areas of the campus.</li> <li>9. Assistance from domestic violence or rape crisis programs.</li> <li>10. Assistance from community health resources including counseling resources.</li> </ol> <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 based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Board policy.</p> <p><b>Title IX sexual harassment</b> means conduct on the basis of sex that satisfies one or more of the following:</p> <ol style="list-style-type: none"> <li>1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation</li> </ol>	<p>Pol. 103.1, 113, 113.1, 113.2, 113.3</p> <p>34 CFR 106.30</p>
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	<p style="text-align: center;"><b>POLICY NO. 103</b>  <b>DISCRIMINATION/TITLE IX SEXUAL</b>  <b>HARRASSMENT AFFECTING STUDENTS</b></p> <p>in unwelcome sexual conduct, commonly referred to as quid pro quo sexual harassment.</p> <p>2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.</p> <p>3. Sexual assault, dating violence, domestic violence or stalking.</p> <p style="padding-left: 40px;">a. <b>Dating violence</b> 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. <b>Domestic violence</b> 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. <b>Sexual assault</b> means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform</p>	<p>34 U.S.C. 12291</p> <p>34 U.S.C. 12291</p> <p>20 U.S.C. 1092</p>
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<p><b>Section 3</b></p>	<p style="text-align: center;"><b>POLICY NO. 103</b> <b>DISCRIMINATION/TITLE IX SEXUAL</b> <b>HARRASSMENT AFFECTING STUDENTS</b></p> <p>crime reporting system of the Federal Bureau of Investigation.</p> <p>d. <b>Stalking</b>, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:</p> <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.</p> <p><b><u>Delegation of Responsibility</u></b></p> <p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations the Board designates the Superintendent as the District's Compliance Officer. The title and authority may be delegated to an administrative member. However, in the event the title and authority is delegated to an administrative member, that member will always keep the Superintendent informed of complaints filed and investigations conducted. The Board designates the Director of Pupil Services as the District's Title IX Coordinator.</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 and to monitor the implementation of the District's nondiscrimination procedures in the following areas, as appropriate:</p>	<p>34 U.S.C. 12291</p> <p>34 CFR 106.30, 106.44, 106.45</p> <p><a href="#">34 CFR 106.8</a></p>
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	<p style="text-align: center;"><b>POLICY NO. 103</b>  <b>DISCRIMINATION/TITLE IX SEXUAL</b>  <b>HARRASSMENT AFFECTING STUDENTS</b></p> <ol style="list-style-type: none"> <li>1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.</li> <li>2. Training – Provide training for students and staff to prevent, identify and alleviate problems of discrimination.</li> <li>3. Resources - Maintain and provide information to staff on resources available to alleged victims in addition to the school complaint procedure or Title IX procedures, such as making reports to the police, and available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources including counseling resources.</li> <li>4. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.</li> <li>5. District Support - Assure that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment, and related areas.</li> <li>6. Student Evaluation - Review of assessments, procedures, and guidance and counseling materials for stereotyping and discrimination.</li> <li>7. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing informal and formal complaints.</li> </ol> <p>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:</p> <ol style="list-style-type: none"> <li>1. If the building principal is the subject of the complaint, refer the student to the Compliance Officer to carry out these responsibilities.</li> </ol>	Pol. 150
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<p><b>Section 4</b></p>	<p style="text-align: center;"><b>POLICY NO. 103</b>  <b>DISCRIMINATION/TITLE IX SEXUAL</b>  <b>HARRASSMENT AFFECTING STUDENTS</b></p> <ol style="list-style-type: none"> <li>2. Inform the student or third party about this policy including the right to an investigation of both oral and written complaints of discrimination.</li> <li>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.</li> <li>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.</li> <li>5. Immediately notify the Compliance Officer of the complaint. The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer or an attorney and shall promptly assign the investigation to that individual.</li> <li>6. After consideration of the allegations and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and others as necessary from violation of this policy during the course of the investigation.</li> </ol> <p><b><u>Guidelines</u></b></p> <p><b><u>Title IX Sexual Harassment Training Requirements</u></b></p> <p>The Compliance Officer and Title IX Coordinator, investigator(s), decision-maker(s), or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment shall receive the following training, as</p>	

**POLICY NO. 103  
DISCRIMINATION/TITLE IX SEXUAL  
HARRASSMENT AFFECTING STUDENTS**

required or appropriate to their specific role:

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

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

Disciplinary Consequences

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

Pol. 113.24, 218, 233

	<p style="text-align: center;"><b>POLICY NO. 103</b>  <b>DISCRIMINATION/TITLE IX SEXUAL</b>  <b>HARRASSMENT AFFECTING STUDENTS</b></p> <ol style="list-style-type: none"> <li>1. Loss of school privileges.</li> <li>2. Permanent transfer to another school building, classroom or school bus.</li> <li>3. Exclusion from school-sponsored activities.</li> <li>4. Detention.</li> <li>5. Suspension.</li> <li>6. Expulsion.</li> <li>7. Referral to law enforcement officials.</li> </ol> <p>An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.</p> <p><u>Reports of Discrimination</u></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, 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.</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 103-AR-3 to this policy.</p>	<p>Pol. 817, 817.1</p>
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**POLICY NO. 103**  
**DISCRIMINATION/TITLE IX SEXUAL**  
**HARRASSMENT AFFECTING STUDENTS**

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

References:

School Code – 24 P.S. Sec. 1301-~~A~~, 1310, [1318.1](#), [1601](#)~~40~~-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 Activities Receiving Federal Financial Assistance – 34 CFR Part 106, 106.30, 106.44, 106.45, 106.71, 106.8](#)

[Family Educational Rights and Privacy – 34 CFR Part 99](#)

[Family Educational and Privacy Rights – 20 U.S.C. Sec. 1232g](#)

[Violence Against Women – 34 U.S.C. Sec. 12291](#)

[Provisions Related to Student Assistance Programs – 20 U.S.C. Sec. 1092](#)

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

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

	<p style="text-align: center;"><b>POLICY NO. 103</b> <b>DISCRIMINATION/TITLE IX SEXUAL</b> <b>HARRASSMENT AFFECTING STUDENTS</b></p> <p><del>Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)</del></p> <p><del>Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)</del></p> <p><del>Office for Civil Rights—Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties (January 2001)</del></p> <p><del>Office for Civil Rights—Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability (Oct. 26, 2010)</del></p> <p><del>Title 18 Crimes and Offenses—18 Pa. C.S.A. 2709</del></p> <p>Board Policy – 103.1, <a href="#">113</a>, <a href="#">113.1</a>, <a href="#">113.2</a>, <a href="#">113.3</a>, <a href="#">150</a>, 218, <a href="#">233</a>, <del>247, 249</del>, <a href="#">317.1</a>, 806, <del>817</del><a href="#">862</a></p>	
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**DISCRIMINATION/SEXUAL HARASSMENT/BULLYING/  
HAZING/DATING VIOLENCE/RETALIATION  
REPORT FORM**

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

Name/Position: Suzanne Lochie-Director Pupil Services

Email: lochie@kosd.org

Phone Number: 412-571-6013

**Retaliation Prohibited**

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

**Confidentiality**

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

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

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

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

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

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

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

I am a:

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

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

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

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

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

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

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

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

Name(s):

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

☐ Student(s)    ☐ Employee(s)

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

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

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

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

Where did the reported conduct take place?

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

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

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

☐ Yes      ☐ No

If yes, who did you tell about it?

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



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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**FOR OFFICIAL USE ONLY**

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

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

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

**I. Reporter Information:**

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

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

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

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

Reporter is a:

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

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

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

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

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

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

## II. Respondent Information

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

Name(s):

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

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

## III. Level of Report:

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

## IV. Type of Report:

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

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

- |  |   |
|--|---|
| <input type="checkbox"/> Race                | <input type="checkbox"/> Age                          |
| <input type="checkbox"/> Color               | <input type="checkbox"/> Creed                        |
| <input type="checkbox"/> Religion            | <input type="checkbox"/> Sex                          |
| <input type="checkbox"/> Sexual Orientation  | <input type="checkbox"/> Sexual Harassment (Title IX) |
| <input type="checkbox"/> National Origin     | <input type="checkbox"/> Ancestry                     |
| <input type="checkbox"/> Marital Status      | <input type="checkbox"/> Pregnancy                    |
| <input type="checkbox"/> Handicap/Disability | <input type="checkbox"/> Bullying                     |
| <input type="checkbox"/> Hazing              | <input type="checkbox"/> Dating Violence              |

## V. Reported Conduct

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

How often did the conduct occur?

Is it being repeated? ☐ Yes ☐ No

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

☐ No.

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

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

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

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

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

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

## **VI. Safety Concerns**

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

☐ No.

☐ Yes, please describe:

## VII. Other Reports

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

☐ No

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

## VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

- ☐ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students
- ☐ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff
- ☐ Policy 247. Hazing
- ☐ Policy 252. Dating Violence
- ☐ Policy 256. Bullying/[Cyberbullying](#)
- ☐ Other \_\_\_\_\_

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

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

☐ Yes

☐ No

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

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

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

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

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

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

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

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

## IX. Recommended Course of Action

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

☐ No further action at this time. Reason:

☐ Policy 247. Hazing

☐ Policy 252. Dating Violence

☐ Policy 256. Bullying/[Cyberbullying](#)

☐ Other \_\_\_\_\_

☐ Policy 103-AR-2 Discrimination Complaint Procedures

- ☐ Policy 104-AR-2 Discrimination Complaint Procedures
- ☐ Policy 103-AR-3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints
- ☐ Policy 104-AR-3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints

## **X. Title IX Information to Complainant**

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

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

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

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

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

### **XI. Title IX Coordinator Signature**

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

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

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

### **XII. Title IX Formal Complaint Action**

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

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

☐ Yes

☐ No

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

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

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

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

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

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

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



## DISCRIMINATION COMPLAINT PROCEDURES

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*The Discrimination Complaint Procedures prescribed in this Attachment apply to reports of retaliation or discrimination on the basis of race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category that do not constitute Title IX sexual harassment as defined in the Policy 103.*

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

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All reports of discrimination and retaliation brought pursuant to the District's discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 103 but merits review and possible action under the Code of Student Conduct and other Board policies. (Pol. 103.1, 218, 247, 252, 256)

### Definitions

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

**Respondent** shall mean an individual who has been reported to be the perpetrator of the alleged conduct.

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

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

1. Sufficiently severe, persistent or pervasive; and
2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes

with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by a school.

**Retaliation** shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report discrimination or harassment, participate in an investigation or other process addressing discrimination or harassment, or act in opposition to discriminatory practices.

#### Reasonable Accommodations

Throughout the discrimination complaint procedures, the District shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 140, 240, [832](#), 906)

#### Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building principal or Compliance Officer shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 806, 817.1, 847)

#### Timeframes

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

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

1. The absence of a party or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

## **PROCEDURES FOR COMPLAINTS OF DISCRIMINATION**

### **Step 1 – Reporting**

A student or individual who believes they have been subject to discrimination by any student, employee or third party is encouraged to immediately report the incident to the building principal using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) or by making a general report verbally or in writing to the building principal.

The person(s) in parental relation of students have the right to act on behalf of the complainant, the respondent, or other individual at any time.

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

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

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

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

The complainant or reporting individual shall be encouraged to use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1), however, complaints shall be accepted in person, by telephone, by mail or email, or by any other means that results in the appropriate individual receiving the individual's verbal or written report. Verbal reports shall be documented using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1), and these procedures shall be implemented.

The Title IX Coordinator shall review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1). The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint

Procedures prescribed in this Attachment(103-AR-2), or if the reported circumstances meet the definition and parameters of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in 103-AR-3, or other applicable Board policies.

If the Title IX Coordinator determines that the report should be addressed through the discrimination complaint procedures, the Compliance Officer shall be notified and the complaint procedures in this 103-AR-2 implemented.

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

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

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

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

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

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

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

### *Informal Remedies -*

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

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

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

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

### **Step 3 – Investigation**

The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another district employee, or an attorney and shall promptly assign the investigation to that individual. When a person in parental relation has requested confidentiality and will not consent to the alleged victim's participation in an investigation, the Compliance Officer shall provide the person in parental relation with a letter containing information related to the District's legal obligations to conduct an investigation and address violations of Board policy, and any other information appropriate to the specific complaint.

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

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

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

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

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

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

#### **Step 4 – Investigative Report**

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

The investigative report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated Board Policy 103 and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discrimination or harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of Board policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

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

### **Step 5 – District Action**

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

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 103 or these procedures, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary. (Pol. 113.1, 218, 233, 247, 256)

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 817, 817.1)

### **Appeal Procedure**

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

The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The person handling the appeal shall prepare a written response to the appeal within twenty (20) school days.

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

## **TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS**

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

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

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### Definitions

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

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

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

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

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

The following actions shall not constitute retaliation:

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



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

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

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

**Supportive measures** may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Board policy. (Pol. 103.1, 113, 113.1, 113.2, 113.3)

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

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

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

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

## **TITLE IX SEXUAL HARASSMENT PROCEDURES**

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

Any person, whether the alleged victim or not, may report Title IX sexual harassment using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) or by making a general report verbally or in writing to the building principal, or by using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Upon receipt of a report, school staff shall immediately notify the building principal.

A report may be made at any time, including during nonbusiness hours. Verbal reports shall be documented by the Title IX Coordinator or employee receiving the report using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form(103-AR-1), and these procedures shall be implemented appropriately.

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

Person(s) in parental relation of students have the right to act on behalf of the complainant, the respondent, or other individual at any time.

When the District has actual knowledge of Title IX sexual harassment, the District is required to respond promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

All sexual harassment reports and complaints received by the building principal shall be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator shall use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) to gather additional information from the reporter and/or other parties identified in the report, to determine if the allegations meet the definition and parameters for Title IX sexual harassment.

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

The Title IX Coordinator shall initially assess whether the reported conduct:

1. Meets the definition of Title IX sexual harassment.
2. Occurred in a District program or activity under the control of the District and against a person in the United States.

3. Involves other Board policies or the Code of Student Conduct.
4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. (Pol. 103.1, 113)

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under the Code of Student Conduct and other Board policies or 103-AR-2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations. (Pol. 103, 103.1, 113.1, 218, 247, 252, 256, 817, 817.1)

If the result of the initial assessment determines that the allegations may constitute Title IX sexual harassment, the Title IX Coordinator shall promptly explain to the complainant the process for filing a formal complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.

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

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

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

If either party is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Director of Special Education to coordinate the required actions in accordance with Board policy. (Pol. 113, 113.1, 113.2, 113.3)

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

1. Individuals making a report or formal complaint.
2. Complainant(s).

3. Respondent(s).
4. Witnesses.

The District shall treat complainants and respondents equitably by:

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

*Disciplinary Procedures When Reports Allege Title IX Sexual Harassment -*

When reports allege Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints. The District shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.

When an emergency removal, as described below, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable. (Pol. 113.1, 113.2, 113.3, 233)

When an emergency removal is not required, disciplinary sanctions will be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable. (Pol. 113.1, 113.2, 218, 233)

*Supportive Measures -*

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

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

violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

#### *Reasonable Accommodations –*

Throughout the Title IX sexual harassment procedures, the District shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 140, 240)

#### *Emergency Removal –*

If the District has determined, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of any student or other individual due to the allegations of Title IX sexual harassment, the respondent may be removed from the District's education program or activity or moved to an alternative setting, consistent with all rights under federal and state laws and regulations, and Board policy, including but not limited to the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. If the respondent is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Director of Special Education to coordinate the required actions in accordance with Board policy. The respondent shall be provided with notice and provided an opportunity for due process, in accordance with law, regulations and Board policy. When expulsion is necessary because continuation of educational services is not feasible, the Board's written adjudication of expulsion shall address the pending Title IX process and the impact of the outcome of the Title IX process on a student's emergency removal status. (20 U.S.C. Sec. 1400 et seq. ; 29 U.S.C. Sec. 794 ; 42 U.S.C. Sec. 12101 et seq. ; 34 CFR 106.44 ; Pol. 103.1, 113.2, 233)

#### *Administrative Leave -*

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

An accused nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract. (29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12101 et seq., 34 CFR 106.44, Pol. 817)

#### *Required Reporting Under Other Policies -*

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or

Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 817.1, 806, 824)

### Timeframes

Reasonably prompt timeframes shall be established for the conclusion of the grievance process for formal complaints, including timeframes for the informal resolution process and timeframes for filing and resolving appeals.

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

1. The absence of a party, a party's advisor or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

### Redirection or Dismissal of Title IX Formal Complaints

Formal complaints may be dismissed, if at any time during the investigation or written determination steps described below:

1. A complainant provides written notification of withdrawal of any allegations or of the formal complaint.
2. The respondent is no longer enrolled or employed by the District in a District program or activity.
3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Only alleged conduct that occurred in the District's education program or activity, and against a person in the United States, may qualify as Title IX sexual harassment within the District's jurisdiction. If it is determined during the investigation or written determination steps below that none of the allegations, if true, would meet the definition and parameters of Title IX sexual harassment within the District's jurisdiction, the Title IX Coordinator shall dismiss the formal complaint under Title IX. If the matter merits review and possible action under the Code of Student Conduct and other Board policies or 103-AR-2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations.

Written notification shall be promptly issued to the parties simultaneously of any allegations found not to qualify or that are dismissed in compliance with Title IX. Written notification shall state whether the allegations will continue to be addressed pursuant to the Code of Student Conduct and other Board policies or 103-AR-2 addressing Discrimination Complaints.

A dismissal may be appealed via the appeal procedures set forth in this Attachment.

#### Consolidation of Title IX Formal Complaints

The District may consolidate formal complaints against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

### **GRIEVANCE PROCESS FOR FORMAL COMPLAINTS**

#### **Step 1 – Formal Complaint**

The District is required to initiate the grievance process for formal complaints when a complainant or the complainant's person in parental relation files a formal complaint. The Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are not a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. Only the Title IX Coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

The complainant or the Title IX Coordinator shall use the designated section of the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) to file or sign a formal complaint.

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

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

The respondent shall be presumed not responsible for the alleged conduct until a written determination regarding responsibility has been made at the conclusion of the grievance process for formal complaints.



### *Notice Requirements -*

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, and the person(s) in parental relation of known parties, where applicable, providing the following information:

1. Notice of the District's grievance process for formal complaints and any informal resolution process that may be available.
2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - a. The identity of the parties involved, if known.
  - b. The conduct allegedly constituting sexual harassment.
  - c. The date and location of the alleged incident(s), if known.
3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for formal complaints and, until that time, the respondent is presumed not responsible for the alleged conduct.
4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.
5. Notice that Board policy and the District's Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints.
6. Notice to all known parties of any additional allegations that the District decides to investigate during the course of the investigation.

### **Step 2 – Informal Resolution Process**

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

The District may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal Title IX sexual harassment complaints. Similarly, the District may not require the parties to participate in an informal resolution process.

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

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

1. Provide the parties a written notice disclosing the following:
  - a. The allegations.
  - b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process for formal complaints.
  - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties shall be informed of the rights being waived by agreeing to the informal resolution process, and shall acknowledge such agreement in writing.
3. The informal resolution process shall be conducted within twenty (20) school days of the parties' signed agreement for the informal resolution process.

If the matter is resolved to the satisfaction of the parties, the District employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within twenty (20) school days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator shall document the informal resolution process, responses from all parties, and an explanation of why the District's response was not deliberately indifferent to the reported complaint of sexual harassment.

**\*If Step 2 Informal Resolution Process results in the final resolution of the complaint, the following steps are not applicable.**

### **Step 3 – Investigation**

The designated investigator, if other than the Title IX Coordinator, shall work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation. The investigation stage shall be concluded within twenty (20) school days.

When investigating a formal complaint, the investigator shall:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the District obtains the voluntary, written consent of the party, or the party's parent/guardian when legally required, the District cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party. (Pol. 113.4, 207, 209, 216, [Safe2Say Something Procedures](#))
2. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

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

5. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The District may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.
6. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to prepare to participate:
  - a. Date.
  - b. Time.
  - c. Location.
  - d. Participants.
  - e. Purpose of all investigative interviews or other meetings.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the District

does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

If at any point the investigation expands to include additional allegations that were not included in the initial notice provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX Coordinator. The Title IX Coordinator shall provide written notice of the new allegations to the known parties.

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

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

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

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator, who shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Board policy. (Pol. 218, 806, 817.1)

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

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX sexual harassment may be identified as part of the same incident or set of circumstances. The fact that there may be Title IX sexual harassment involved does not preclude the District from addressing other identified violations of the Code of Student Conduct or Board policy. If such other conduct is being investigated and addressed together with Title IX sexual harassment as part of the Title IX grievance process for formal complaints, disciplinary action normally should not be imposed until the completion of the Title IX grievance process for formal complaints. A decision whether and when to take such action should be made in consultation with the school solicitor.

## Step 4 – Written Determination and District Action

### *Designation of Decision-Maker -*

To avoid any conflict of interest or bias, the decision-maker cannot be the same person as the Title IX Coordinator or the investigator. The responsibility as the decision-maker for complaints of Title IX sexual harassment shall generally be designated to the [Assistant to the Superintendent for Operations](#)~~Director of Finance and Human Resources~~.

If the [Assistant to the Superintendent for Operations](#)~~Director of Finance and Human Resources~~ has a conflict of interest or is a party in the formal complaint process, they shall disclose the conflict and the Title IX Coordinator shall designate another individual to serve as the decision-maker.

### *Written Determination Submissions -*

A written determination of responsibility (written determination) must not be finalized less than ten (10) days after the investigator completes the investigative report and provides it to all parties. Before the decision-maker reaches a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party.

Relevant questions for a party or witness must be submitted by each party within five (5) school days following receipt of the investigative report. Follow-up questions must be submitted by each party within five (5) school days of being provided the answers to the initial questions.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as part of the follow-up questions and responses, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The decision-maker shall explain to the party proposing the questions about any decision to exclude a question as not relevant.

### *Written Determination -*

The decision-maker must issue a written determination for the conduct alleged in formal complaints. To reach this determination, the decision-maker shall apply the preponderance of the evidence standard, meaning that the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.

In considering evidence, the decision-maker shall ensure credibility determinations are not based on an individual's status as a complainant, respondent or witness.

After considering all relevant evidence, the decision-maker shall issue a written determination that includes:

1. Identification of the allegations potentially constituting Title IX sexual harassment.
2. A description of the procedural steps taken from the receipt or signing of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the District's Code of Student Conduct or Board policies to the facts.
5. A statement of, and rationale for, the result as to each allegation, including:
  - a. Determination regarding responsibility.
  - b. Disciplinary sanctions.
  - c. Remedies designed to restore or preserve equal access to the District's education program or activity that will be provided by the District to the complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the respondent.
6. The procedures, deadline and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination becomes final either:

1. On the date that the District provides the parties with the written decision of the result of the appeal, if an appeal is filed;
2. Or, if an appeal is not filed, on the date on which an appeal would no longer be considered timely, in accordance with the timeframe established for appeals in this Attachment.

The Title IX Coordinator shall be responsible to ensure that any remedies are implemented by the appropriate district officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities. (Pol. 113.2~~1~~, 218, 233, 817, 817.1)

## **Appeal Process**

Districts must offer both parties the right to appeal a determination of responsibility and the right to appeal the District's dismissal of a Title IX formal complaint or any allegation in the Title IX formal complaint. The scope of appeals related to Title IX sexual harassment are limited to the following reasons for appeal as stated in the Title IX regulations:

1. A procedural irregularity that affected the outcome of the matter.
2. New evidence that that could affect the outcome was not reasonably available at the time the decision to dismiss or determination of responsibility was made.
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the individual complainant or respondent or for or against complainants or respondents generally that affected the outcome of the matter.

Written notice of a party's appeal shall be submitted to the Title IX Coordinator within 20 school days after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

The Title IX Coordinator shall ensure that the designated appeal authority is not the same person as the decision-maker that reached the determination, the investigator, or the Title IX Coordinator. The designated appeal authority shall be the Superintendent.

For all appeals, the designated appeal authority shall:

1. Provide written notice to the other party when notice of an appeal is filed and implement appeal procedures equally for both parties.
2. Provide both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal. Supporting statements shall describe in detail as applicable the procedural irregularities asserted to have affected the outcome of the determination, the nature of any new evidence asserted to have affected the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If evidence exists supporting the basis for appeal, it shall accompany the supporting statement, or it shall identify where such evidence may be found.

Supporting statements must be submitted to the appeal authority and provided to the other party within five (5) school days of the written notice of appeal.

Statements in opposition to the appeal shall be submitted within five (5) school days of the submission of supporting statements. If a statement in opposition to an appeal refers to any evidence beyond what is described in a supporting statement, it shall accompany the statement in opposition, or it shall identify where such evidence may be found.

The appeal authority may accept and consider evidence in support of or in opposition to an appeal in making any conclusions necessary to deciding the appeal. Alternatively, when the appeal authority determines that factors exist making it necessary for the decision-maker to further develop the evidentiary record relevant to the basis for appeal, the appeal authority may return the matter to the decision-maker for that limited purpose.

3. Determine whether the appeal meets the grounds for permitted reasons for appeal and justifies modifying the written determination.
4. Issue a written decision setting forth the respects, if any, in which the written determination is modified and the rationale for the result within twenty (20) school days.
5. Provide the written decision simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX Coordinator.

### Recordkeeping

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

1. Each Title IX sexual harassment investigation, including any written determination and any audio or audiovisual recording or transcript, and disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity.
2. Any appeal and the result.
3. Any informal resolution and the result.
4. All materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process.
5. Records of any district actions, including any supportive measures, taken in response to a report or formal complaint of Title IX sexual harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.



KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 103.1

Section PROGRAMS

Title NONDISCRIMINATION –  
QUALIFIED STUDENTS  
WITH DISABILITIES

Adopted FEBRUARY 16, 2016

Revised JUNE 19, 2018;  
MARCH 20, 2018

POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES		
Section 1	<p><b><u>Purpose</u></b></p> <p>The Board declares it to be the policy of this District to ensure that all district programs and practices are free from discrimination against all qualified students with disabilities. The Board recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities.</p> <p>The District shall provide to each qualified student with a disability enrolled in the District, without cost to the student or <u>person in parental relation</u><del>parent/guardian</del>, 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 <u>persons in parental relation</u><del>parents/guardians</del> who believe they have been subjected to discrimination or harassment to promptly report such incidents to designated employees.</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><b>Pol. 103, 104</b></p>

<p><b>Section 2</b></p>	<p style="text-align: center;"><b>POLICY NO. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</b></p> <p>The Board directs that complaints of discrimination or harassment shall be investigated promptly, and corrective <a href="#">or preventative</a> action be taken for substantiated allegations.</p> <p><a href="#">Confidentiality</a></p> <p>Confidentiality of all parties, <a href="#">witnesses, the allegation, the filing of a complaint and the investigation</a> shall be maintained, consistent with the <a href="#">District's</a> legal and investigative obligations.</p> <p><a href="#">Retaliation</a></p> <p>The District shall not intimidate, threaten, coerce, discriminate or retaliate against any individual for the purpose of interfering with any right or privilege secured by this policy.</p> <p><b><u>Definitions</u></b></p> <p><b>Qualified student with a disability</b> - a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the district's educational programs, nonacademic services or extracurricular activities.</p> <p><b>Section 504 Team</b> - a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors, psychologists, school nurses, outside care providers and the student's <a href="#">persons in parental relation</a><del>parents/guardians</del>.</p> <p><b>Section 504 Service Agreement (Service Agreement)</b> - an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school's educational programs, nonacademic services, and extracurricular activities.</p>	<p>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>
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	<p style="text-align: center;"><b>POLICY NO. 103.1</b>  <b>NONDISCRIMINATION – QUALIFIED STUDENTS</b>  <b>WITH DISABILITIES</b></p>	
	<p><b>Disability harassment</b> - intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student’s participation in or receipt of benefits, services, or opportunities in the school’s educational programs, nonacademic services, or extracurricular activities.</p>	Pol. 103
<b>Section 3</b>	<p><b><u>Delegation of Responsibility</u></b></p> <p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the <del>Director</del><sup>Supervisor</sup> of Pupil <del>Services</del><sup>Personnel</sup> 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 <u>persons in parental relation</u><del>parents/guardians</del> 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>
<b>Section 4</b>	<p><b><u>Guidelines</u></b></p> <p><b><u>Identification and Evaluation</u></b></p> <p>The District shall conduct an annual child find campaign to locate and identify every district student with a disability thought to be eligible for Section 504 services and protections. The District may combine this search with the district’s IDEA child find efforts, in order to not duplicate efforts.</p> <p>If a <u>person in parental relation</u><del>parent/guardian</del> 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 <u>person in parental relation</u><del>parent/guardian</del> or the District shall</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;"><b>POLICY NO. 103.1</b>  <b>NONDISCRIMINATION – QUALIFIED STUDENTS</b>  <b>WITH DISABILITIES</b></p> <p>provide the other party with written notice. Form 103.1-AR-4, available on the district website, may be used for <a href="#">person in parental relation</a><del>parent/guardian</del> 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 <a href="#">person in parental relation</a><del>parent/guardian</del> 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"> <li>1. Have been validated and are administered by trained personnel.</li> <li>2. Are tailored to assess educational need and are not based solely on IQ scores.</li> <li>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).</li> </ol> <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 <a href="#">person in parental relation</a><del>parent/guardian</del>.</p> <p>The District shall not modify or terminate a student’s current Service Agreement without the <a href="#">person in parental</a></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;"><b>POLICY NO. 103.1</b>  <b>NONDISCRIMINATION – QUALIFIED STUDENTS</b>  <b>WITH DISABILITIES</b></p> <p><a href="#">relation's</a><del>parent's/guardian's</del> written consent.</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><a href="#">Persons in parental relation</a><del>Parents/Guardians</del> 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>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 <a href="#">20 U.S.C. 1232g</a> <a href="#">34 CFR Part 99</a> Pol. 216</p>
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	<p style="text-align: center;"><b>POLICY NO. 103.1</b>  <b>NONDISCRIMINATION – QUALIFIED STUDENTS</b>  <b>WITH DISABILITIES</b></p> <p><u>Discipline</u></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 <b>incident</b> shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.</p> <p>The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a qualified student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school’s property, in accordance with state and federal laws and regulations the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies. The Superintendent or designee shall respond in a manner that is consistent with the student’s Service Agreement and Behavior Support Plan, if applicable.</p> <p>In making a determination of whether to notify the local police department of a discretionary incident committed by a qualified student with a disability, including a student for whom an evaluation is pending, the Superintendent or designee shall use the same criteria used for students who do not have a disability.</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 <a href="#">person in parental relation</a><del>parent/guardian</del>, shall consider whether a Behavior Support Plan should be developed as part of the Service</p>	<p>Pol. 218, 233</p> <p>SC 1303-A  22 PA Code 10.2  35 P.S. 780-102</p> <p>SC 1302.1-A  22 PA Code <del>10.2</del>,  10.21, 10.22, 10.23,  10.25, 15.2, 15.3,  15.7, 15.9  Pol. 113.<del>12</del>, 218,  <a href="#">218.1</a>, <a href="#">218.2</a>, 227,  <del>250, 251, 805.1</del>,  823,<del>825</del></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;"><b>POLICY NO. 103.1</b> <b>NONDISCRIMINATION – QUALIFIED STUDENTS</b> <b>WITH DISABILITIES</b></p> <p>Agreement to address the student’s behavior.</p> <p>In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by qualified students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.</p> <p style="text-align: center;"><b>Procedural Safeguards</b></p> <p>The District shall establish and implement a system of procedural safeguards that includes notice of rights to the <a href="#">person in parental relation</a><del>parent/guardian</del> of a student suspected of being a qualified student with a disability, an opportunity for the <a href="#">person in parental relation</a><del>parent/guardian</del> to review relevant records, an impartial hearing with an opportunity for participation by the student’s <a href="#">person in parental relation</a><del>parent/guardian</del>, and a review procedure.</p> <p>A student or <a href="#">person in parental relation</a><del>parent/guardian</del> filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.</p> <p><u>Parental Request for Assistance</u></p> <p><a href="#">Persons in parental relation</a><del>Parents/Guardians</del> may file a written request for assistance with the Pennsylvania Department of Education (PDE) if one (1) or both of the following apply:</p> <ol style="list-style-type: none"> <li>1. The District is not providing the related aids, services and accommodations specified in the student’s Service Agreement.</li> <li>2. The District has failed to comply with the procedures and state regulations.</li> </ol> <p>PDE shall investigate and respond to requests for assistance and, unless exceptional circumstances exist, shall, within sixty (60) calendar days of receipt of the request, send to the <a href="#">persons in parental relation</a><del>parents/guardians</del> and District a written</p>	<p>SC 1303-A Pol. <del>805.1</del><sup>25</sup></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 <u>15.8</u></p>
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	<p style="text-align: center;"><b>POLICY NO. 103.1</b> <b>NONDISCRIMINATION – QUALIFIED STUDENTS</b> <b>WITH DISABILITIES</b></p> <p>response to the request. The response to the <u>persons in parental relation's</u><del>parents'/guardians'</del> request shall be in the <u>persons in parental relation's</u><del>parents'/guardians'</del> native language or mode of communication.</p> <p><u>Informal Conference</u></p> <p>At any time, <u>persons in parental relation</u><del>parents/guardians</del> 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 <u>persons in parental relation</u><del>parents/guardians</del> are not resolved at the informal conference, the District or <u>persons in parental relation</u><del>parents/guardians</del> 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;"><b>Complaint Procedure</b></p> <p>This complaint procedure is in addition to and does not prevent <u>persons in parental relation</u><del>parents/guardians</del> from using any option in the procedural safeguards system.</p> <p><b>Step 1 – Reporting</b></p> <p>A student or <u>person in parental relation</u><del>parent/guardian</del> who believes <u>they/s/he</u><del>has</del> 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</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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	<p style="text-align: center;"><b>POLICY NO. 103.1</b>  <b>NONDISCRIMINATION – QUALIFIED STUDENTS</b>  <b>WITH DISABILITIES</b></p> <p>504 building administrator. Any person with knowledge of conduct that may violate this policy, is encouraged to immediately report the matter to the Section 504 building administrator.</p> <p>A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Section 504 building administrator, as well as properly making any mandatory police or child protective services reports required by law.</p> <p>If the Section 504 building administrator is the subject of a complaint, the student, <a href="#">person in parental relation</a><del>parent/guardian</del> or employee shall report the incident directly to the district’s Section 504 Coordinator.</p> <p>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 verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.</p> <p><b>Step 2 – Investigation</b></p> <p><del>Where an attorney is not used to conduct an investigation into a discrimination complaint, only individuals who have received basic training on the applicable law, this policy and how to conduct a proper investigation shall be authorized to conduct an investigation of a complaint made pursuant to this policy.</del>  <a href="#">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.</a></p> <p>The investigator shall work with the Section 504 Coordinator to</p>	Pol. 806
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**POLICY NO. 103.1**  
**NONDISCRIMINATION – QUALIFIED STUDENTS**  
**WITH DISABILITIES**

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

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

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, 806,  
81662  
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.

**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, including the recommended disposition, within a reasonable time ~~fifteen (15) days~~ 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.

[22 PA Code 15.9](#)  
[20 U.S.C. 1232g](#)  
[34 CFR Part 99](#)  
[Pol. 216](#)

**Step 4 – District Action**

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

	<p style="text-align: center;"><b>POLICY NO. 103.1</b> <b>NONDISCRIMINATION – QUALIFIED STUDENTS</b> <b>WITH DISABILITIES</b></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"><li>1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, <del>they</del><sup>he</sup> may submit a written appeal to the district’s Section 504 Coordinator within fifteen (15) days.</li><li>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.</li><li>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</li></ol>	
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**POLICY NO. 103.1  
NONDISCRIMINATION – QUALIFIED STUDENTS  
WITH DISABILITIES**

investigation.

[Previously Revised: 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, ~~104~~, 112, 113, 113.~~1~~2, 122, 123, 216, 218, 218.1, 218.2, 227, 233, ~~250, 251~~, 805.1, 806, 810, 816~~5~~, 823, ~~825~~, 862

**REPORT FORM FOR COMPLAINTS OF DISCRIMINATION – QUALIFIED  
STUDENTS WITH /DISABILITIESY-HARASSMENT**

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

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

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

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

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

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

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

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

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

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

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

## **PROCEDURAL SAFEGUARDS NOTIFICATION**

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

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

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

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

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

Written requests should be addressed to:

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

### **Informal Conference –**

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

### **Formal Due Process Hearing –**

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

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

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

The following timeline applies to due process hearings:

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

### **Judicial Appeals –**

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



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

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

☐ Informal Conference

☐ Formal Due Process Hearing

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Parent(s)/Guardian(s) Signature

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Date

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Section 504 Building Administrator Signature

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Date

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

Student Information

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

Parent/Guardian Information

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

Referral Information

The parent/guardian believes that the above named student:

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

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

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

Describe the requested aids, services, or accommodations:

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

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

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

The proposed change or modification of the Service Agreement is:

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

Notice Of Rights

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

Verification

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

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

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

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

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

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

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

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

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

Reason Request Approved or Denied:

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

Notice Of Rights

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

Procedural Safeguards

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

## PERMISSION TO EVALUATE – CONSENT FORM

Student's Name: \_\_\_\_\_

Name and Address of Parent/Guardian:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Date

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

**PLEASE RETURN THIS ENTIRE FORM TO:**

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

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

# Policy Guide

Policy No. 127Section PROGRAMSTitle ASSESSMENT SYSTEMAdopted AUGUST 21, 1989Last Revised JUNE 30, 2020

POLICY NO. 127 ASSESSMENT SYSTEM		
Section 1	<p><b><u>Purpose</u></b></p> <p>The Board recognizes its responsibility to develop and implement an assessment system that will evaluate a student's progress toward meeting Pennsylvania Core and Academic Standards and provide information for improving the educational program.</p>	
Section 2	<p><b><u>Definition</u></b></p> <p><b>Assessment</b> shall be the system of measuring and recording student progress and achievement that enables the student, <u>persons in parental relation</u><del>parents/guardians</del> and teachers to:</p> <ol style="list-style-type: none"> <li>Determine a student's attainment of established academic standards.</li> <li>Learn the student's strengths and weaknesses.</li> <li>Plan a future career for the student in areas of greatest potential for success.</li> <li>Know where remedial or enrichment work is required.</li> </ol> <p>Such assessment shall measure the student's progress against both <u>their</u><del>his/her</del> own potential for achievement and the achievements of others in the class, as appropriate to the grade level and subject matter.</p>	22 PA Code 4.11

<b>POLICY NO. 127</b> <b>ASSESSMENT SYSTEM</b>		
<b>Section 3</b>	<b><u>Authority</u></b>  <p>The Board shall approve an assessment system for use in district schools to assess individual attainment of state and local academic standards, and to identify those students not attaining academic standards and provide assistance. The Board shall approve an assessment system at least once every six (6) years, which shall be implemented no later than one (1) year after the approval date.</p>	22 PA Code 4.12, 4.51, 4.52 Pol. 102
	<p>The Board reserves the right to review district assessment measures and to approve those that serve a legitimate purpose without infringing upon the personal rights of the students or parents/guardians.</p>	22 PA Code 4.52, 12.41
	<p>The Board directs the Superintendent or designee to grant requests to review state assessments from <a href="#">persons in parental relation</a><del>parents/guardians</del> to determine whether the state assessments conflict with the <a href="#">persons in parental relation</a><del>'s parents'/guardians'</del> religious beliefs as per the Keystone/PSSA administration manual. <a href="#">Person in parental relation</a><del>Parent/Guardian</del> requests shall be submitted and a meeting scheduled to review the assessments at least two (2) weeks prior to the administration of state assessments if the assessments are available. The District shall ensure the security of the assessment documents.</p>	22 PA Code 4.4
	<p>If, upon inspection of a state assessment, a <a href="#">person in parental relation</a><del>parent/guardian</del> finds the assessment to be in conflict with their religious beliefs, the parent/guardian shall have the right to have their child excused from that state assessment, upon written request to the Superintendent stating the objection.</p>	22 PA Code 4.4
<b>Section 4</b>	<b><u>Delegation of Responsibility</u></b>  <p>The Superintendent or designee shall recommend various methods of assessment and evaluation based on <del>their</del><del>his/her</del> professional judgment, generally accepted professional practice, staff input and state regulations.</p>	22 PA Code 4.12, 4.51, 4.52
	<p>The Superintendent or designee shall provide summary information to the public regarding student achievement, including results of assessments, in accordance with federal and</p>	22 PA Code 4.52

	<p style="text-align: center;"><b>POLICY NO. 127</b> <b>ASSESSMENT SYSTEM</b></p> <p>state law and regulations. Such report will be delivered on an annual basis.</p> <p>The Superintendent or designee shall provide information regarding the achievement of academic standards to the PA Department of Education when requested; such information shall not include student names, identification numbers or individually identifiable information.</p> <p>The Superintendent or designee shall recommend improvements in the educational program, curriculum, and instructional practices based upon student assessment results.</p> <p>The Superintendent or designee shall develop assessment procedures which include the following:</p> <ol style="list-style-type: none"> <li>a. Each student should know the teacher's expectations at the outset of any course of study.</li> <li>b. Each student shall be kept informed of <del>their</del>his/her progress during the course of a unit of study.</li> <li>c. Methods of assessing shall be appropriate to the course of study and the maturity of students.</li> <li>d. Assessment should objectively evaluate and reward students for their efforts.</li> <li>e. Students should be encouraged to assess their own achievements.</li> <li>f. All assessment systems are subject to continual review and revision.</li> <li>g. Staff, students, and <u>persons in parental relation</u><del>parents/guardians</del> should be involved in the continuing program of grading review.</li> </ol>	<p>22 PA Code 4.52</p> <p>22 PA Code 4.52</p> <p>SC 1531, 1532 22 PA Code 4.11, 4.51, 4.52</p>
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<p><b>Section 5</b></p>	<p style="text-align: center;"><b>POLICY NO. 127 ASSESSMENT SYSTEM</b></p> <p><b><u>Guidelines</u></b></p> <p><u>Persons in parental relation</u><del>Parents/Guardians</del> shall receive information regarding their student's state assessment results from qualified school personnel.</p> <p>The District shall provide assistance to students in attaining academic standards and personal academic growth. The District shall inform students and <u>persons in parental relation</u><del>parents/guardians</del> about how to access such assistance.</p> <p>Students with disabilities and ELL (English Language Learner) students shall participate in assessments, with appropriate accommodations when necessary.</p> <p>The following types of assessments will be utilized to assist in measuring student achievement:</p> <ol style="list-style-type: none"> <li>1. Norm and criterion referenced assessments.</li> <li>2. Formative and summative assessments.</li> <li>3. Projects and performances.</li> </ol> <p>Each classroom teacher is expected to provide students with a clear understanding of the assessment practices related to their individual course. Grades assigned should reflect the achievement based upon the specific criteria expected in the course and outlined by the teacher.</p> <p><u>Extra credit assignments</u> will not be given by teachers so that a student may improve <u>their</u><del>his/her</del> final letter grade, without inclusion in the course syllabus, curriculum, or pre-approval by the <u>Assistant to the Superintendent for Student Achievement</u><del>Director of Curriculum, Instruction, Assessment, and Staff Development</del>. Points may not be added to the final grade. All students must be provided the same opportunity to earn said extra credit.</p> <p>At Keystone Oaks High School, quality points are values assigned for the purpose of determining an average letter grade. Honor, <del>and AP, and DC (Dual Credit)</del> <u>and DC (Dual Credit)</u> classes have weighted value for grades of a C or better. The values are as follows:</p>	<p>20 U.S.C. 6311 Pol. 140, 212</p> <p>22 PA Code 4.52, 12.41</p> <p>22 PA Code 4.51 Pol. 103.1, 113, 140</p>
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**POLICY NO. 127  
ASSESSMENT SYSTEM**

Applied/ Accelerated		Honor		AP/ <a href="#">DC</a>	
<u>Grade</u>	<u>Value</u>	<u>Grade</u>	<u>Value</u>	<u>Grade</u>	<u>Value</u>
A	4.0	A	4.5	A	5.0
B	3.0	B	3.5	B	4.0
C	2.0	C	2.5	C	3.0
D	1.0	D	1.0	D	1.0
F	0	F	0	F	0
P		P			

A grade of P is not factored in the determination of QPA.

[Modification to DC \(Dual Credit\) weighted values are retroactive to the beginning of the 2021/2022 school year.](#)

Revision history: [June 30, 2020](#); February 16, 2016; May 18, 1998

References:

State Board of Education Regulations – 22 PA Code Sec. 4.4, 4.12, 4.51, 4.52, 12.41

No Child Left Behind Act – 20 U.S.C. Sec. 6311

Board Policy – 102, 103.1, 113, 140, 212

KEYSTONE OAKS SCHOOL DISTRICT

# Policy

# Guide



Policy No. 919.1

Section COMMUNITY

Title **TITLE I DORMONT  
ELEMENTARY SCHOOL  
PARENT/~~GUARDIAN~~ AND  
FAMIL~~Y~~Y ENGAGEMENT POLICY**

Adopted NOVEMBER 17, 2015

Revised ~~DECEMBER 12, 2017~~

~~Reviewed NOVEMBER 22, 2016~~

POLICY NO. 919.1 TITLE I DORMONT ELEMENTARY SCHOOL PARENT/ <del>GUARDIAN</del> AND FAMILY ENGAGEMENT <u>POLICY</u>		
Section 1	<p><b><u>Purpose</u></b></p> <p><u>The Board recognizes that meaningful parent and family engagement contributes to the achievement of state academic standards by students participating in Title I programs. This policy, developed by Dormont Elementary in collaboration with and agreed to by parents and family members, describes how parents and family members will be engaged at the school level. <del>Dormont Elementary is committed to providing a quality education for every student in the school. When schools and parents/guardians and families form strong partnerships, all children's potential for academic success improves significantly.</del></u></p>	
Section 2	<p><b><u>Definition</u></b></p> <p><u>Parent and Family (Family Member) - these terms are used interchangeably and shall include caregivers, a legal guardian or other person standing in loco parentis such as a grandparent or stepparent with whom the child lives, a person who is legally responsible for the child's welfare, or a legally appointed Education Decision Maker of a child participating in a Title I program.</u></p>	<p><del>ESEA Sec. 1118</del></p>

<p><b>Section 3</b></p>	<p style="text-align: center;"><b>POLICY NO. 919.1</b></p> <p style="text-align: center;"><b>TITLE I DORMONT ELEMENTARY SCHOOL</b></p> <p style="text-align: center;"><b>PARENT/<del>GUARDIAN</del> AND FAMILY ENGAGEMENT</b></p> <p style="text-align: center;"><b><u>POLICY</u></b></p> <p><b><u>Authority</u></b></p> <p><del>Each school receiving Title I funding shall jointly develop with, and distribute to, parents/guardians of participating children a written Parent/Guardian and Family engagement Policy, agreed on by such parents/guardians, that shall describe the means for carrying out the requirements established in the Every Student Succeeds Act. Parents/Guardians shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. Such policy shall be made available to the local community and updated annually to meet the changing needs of parents/guardians and the school.</del></p> <p><b><u>Guidelines</u></b></p> <p>Dormont Elementary will involve parents/<del>guardians</del> <u>and family</u> in the development of the school plan and in the process of school review and improvement in the following ways through participation on the Parent/<del>Guardian</del> <u>and Family Member</u> Advisory Council and other forms:</p> <ol style="list-style-type: none"> <li>1. Title I parents/<del>guardians</del> <u>and family</u> will participate in the development of the Title I Plan and will be part of the school review and school improvement (if applicable) procedures.</li> <li>2. Title I parents/<del>guardians</del> <u>and family</u> will serve on the Parent/<del>Guardian</del> <u>and Family</u> Advisory Council for the Title I Plan and the <u>S</u>chool Improvement Plan (if applicable).</li> <li>3. Title I parents/<del>guardians</del> <u>and family</u> will plan, review, and update the School's and District's Title I <u>P</u>arent/<del>guardian</del> and <u>F</u>amily-<u>E</u>ngagement policies.</li> <li>4. Title I parents/<del>guardians</del> <u>and family</u> will jointly develop a <u>S</u>chool-<u>P</u>arent/<del>guardian</del> <u>and Family</u> <u>C</u>ompact that outlines how parents/<del>guardians</del> <u>and family</u>, the entire school staff, and students will share in the responsibility for improved student achievement.</li> </ol>	<p>ESEA Sec. 1118(d)</p>
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	<p style="text-align: center;"><b>POLICY NO. 919.1</b>  <b>TITLE I DORMONT ELEMENTARY SCHOOL</b>  <b>PARENT/<del>GUARDIAN</del> AND FAMILY ENGAGEMENT</b>  <u><b>POLICY</b></u></p> <p>5. A yearly meeting will be held to provide Title I parents/<del>guardians</del> <u>and family</u> the opportunity for input into the planning, implementation, and evaluation of the Title I program.</p> <p>Dormont Elementary will hold an annual meeting with Title I parents <u>and family</u>/<del>guardians</del> in September to inform parents/<del>guardians</del> <u>and family</u> of the school's participation in the Title I program and to explain the requirements of the program and their right to be involved. The following items will be discussed: Title I budget, <del>P</del>parent/<del>guardian</del> and <del>F</del>family <u>E</u>engagement <del>P</del>policies, overview of Title I (expectations and requirements), standards-based instruction and assessment, overview of the school's curriculum, proficiency levels, multiple criteria for entrance into the program, monitoring student progress, how to work with teachers, parent/<del>guardian</del> <u>and family</u> resource center, school-home compact, and activities for home.</p> <p>-Parents/<del>Guardians</del> <u>and family</u> will be invited by letter in their native/preferred language and additional contact as necessary. Dormont Elementary will provide technical assistance and support to its Title I program in planning and implementing effective parent/<del>guardian</del> and family engagement activities. The school will:</p> <ol style="list-style-type: none"> <li>1. Assist the Title I program in identifying clear and measurable goals for parent/<del>guardian</del> <u>and family</u> engagement.</li> <li>2. Actively support staff and promote efforts that increase the level of parent/<del>guardian</del> <u>and family</u> engagement, <u>such as Meet the Teacher, Curriculum Night, Parent-Teacher Conferences, Read across America week, Camp Read A Lot, and book fairs.</u></li> <li>3. Provide parents/<del>guardians</del> <u>and family</u> and staff information, materials, and training on required and effective parent/<del>guardian</del> and family engagement policies and practices. Provide to Title I program best practices, ideas, materials, new approaches, research, and other</li> </ol>	<p>ESEA Sec. 1118(c)(4)</p>
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**POLICY NO. 919.1**  
**TITLE I DORMONT ELEMENTARY SCHOOL**  
**PARENT/~~GUARDIAN~~ AND FAMILY ENGAGEMENT**  
**POLICY**

program information in order to improve their  
parental/~~guardian~~ and family involvement programs.

4. Research and model effective parent/~~guardian~~ and family engagement activities and practices.
5. Provide resource materials for parent/~~guardian~~ and family meetings, workshops, and take home learning activities. Parent/~~Guardian~~ and family meetings, including parent/~~guardian~~ and family conferences, will be held at different times during the day. The school will provide, if requested by parents and family/~~guardians~~, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to the education of their children, and respond to any suggestions as soon as practically possible.
6. Provide parents/~~guardians~~ and family of participating children with timely information about the Title I program. Parents/~~Guardians~~ and family will be invited to parent-teacher conferences and receive a Title I report card twice a year. Information can also be obtained through the Title I page of our website and from our Parent Resource Center, located in the Title I room at Dormont Elementary.
7. Assist Title I program with training and ideas on reaching hard-to-reach parents/~~guardians~~ and family and parental/~~guardian~~ and family involvement activities.
8. Collaborate with the PFO, Parent and Family Advisory Council, community agencies, and businesses to provide activities that build capacity for parents/~~guardians~~ and family to assist learning and participate in school processes, such as parent/~~guardian~~ and family workshops or family unity activities.
9. Participate in the organization Trying Together and other opportunities to collaborate with Head Start and PreK programs.

ESEA Sec.  
1118(e)(4)

ESEA Sec.  
1111(h)(6)(B)(i)

**POLICY NO. 919.1**  
**TITLE I DORMONT ELEMENTARY SCHOOL**  
**PARENT/~~GUARDIAN~~ AND FAMILY ENGAGEMENT**  
**POLICY**

Dormont Elementary will build the school's and parents' ~~/guardians'~~ and families' capacity for ~~parent/guardian~~ involvement by offering programs to strengthen the school/family partnership by providing materials and training for school staff and parents and family/guardians. A School-Parent/guardian and Family Compact will be jointly developed and reviewed annually. The Compact outlines how parents ~~/guardians~~ and family, the entire school staff, and students will share in the responsibility for improved student achievement. The school will:

1. Educate school staff and parent ~~/guardians~~ and family in the value of contributions of parents ~~/guardians~~ and family and how to reach out to, communicate, with, and work with the parents ~~/guardians~~ and family as equal partners to implement and coordinate ~~on parent/guardian~~ programs and to build ties between parents ~~/guardians~~ and family and the school through faculty meetings and professional development using training materials from the State Parent Advisory Council.
2. Provide staff development for teachers, families, administrators, staff and others on how to increase the level of quality of family engagement through PFO meetings and faculty meetings.
3. Provide training through meetings, resources, and conferences to parents ~~/guardians~~ and family in understanding topics such as the importance of challenging academic standards and how they can help their children meet them, monitoring their children's progress, and literacy skills that help parents ~~/guardians~~ and family work with their children. Training will include resources on the school district website, activities to do at home, and the parent ~~/guardian~~ and family resource center.
- ~~3.4.~~ Provide information and, if needed, assistance to program and parents ~~/guardians~~ and family in understanding state academic content and performance

**POLICY NO. 919.1**  
**TITLE I DORMONT ELEMENTARY SCHOOL**  
**PARENT/~~GUARDIAN~~ AND FAMILY ENGAGEMENT**  
**POLICY**

standards, state and local assessments, requirements for Title I, and how the parents/~~guardians~~ and family can assist in their child's education.

~~4.~~5. Provide the school, to the extent feasible and appropriate, with information on how to work with business partners and/or community organization to learn about Title I to encourage school/family/community partnerships.

~~5.~~6. Provide information to the school and parents/~~guardians~~ and family on the district website under Parent Resource Center.

~~6.~~7. Ensure Title I parents/~~guardians~~ and family with limited English proficiency, literacy difficulties, or other disabilities are given the same opportunities as other parents/~~guardians~~ and family but these opportunities may be structured, adapted, or modified so that these parents/~~guardians~~ and family may receive the same benefits and services as the other Title I parents/~~guardians~~ and family.

~~7.—Coordinate Title I parent/guardian engagement activities with other parental/guardian engagement activities through collaboration with the PFO.~~

8. Coordinate Title I parent/~~guardian~~ and family engagement activities, to the extent feasible and appropriate, with other programs by providing mutual parent/~~guardian~~ and family engagement training and information through collaboration with the PFO.

~~9.—Collaborate with community agencies to inform schools and parents/guardians of literacy training and parent/guardian education. Dormont Elementary will conduct with parents/guardians an annual evaluation of the content and effectiveness of the Parent/Guardian and Family Engagement Policy to assess how much parental/guardian engagement has increased and the barriers to parent/guardian participation that needs to be addressed. The findings will be used to design strategies~~



**POLICY NO. 919.1**  
**TITLE I DORMONT ELEMENTARY SCHOOL**  
**PARENT/~~GUARDIAN~~ AND FAMILY ENGAGEMENT**  
**POLICY**

~~for school improvement and to revise parental/guardian engagement policies.~~

~~10.9.~~ 9. Conduct an annual survey and follow-up meeting in the spring for Title I parents/~~guardians~~ and family to evaluate the content and effectiveness of the Title I parent/~~guardian~~ and family engagement plans, procedures, and policies and use the evaluation to identify successful ~~parental/guardian~~ engagement strategies, barriers to ~~parent/guardian~~ participation, and make recommendations for improving ~~parental/guardian~~ and family engagement. Barriers to participation of parents/~~guardians~~ and family who are economically disadvantaged, disabled, have limited English proficiency, are limited in literacy skills, or are part of an ethnic minority background, will be identified to ensure greater parent/guardian participation in school activities. If necessary, after review of the findings of the evaluation, procedures will be revised.

Dormont Elementary will budget at least one (1) percent of its allocation for parent/guardian engagement materials and activities, if applicable. At least ninety-five (95) percent of the one (1) percent of the allocation for parent/~~guardian~~ and family engagement at the District level will be used for school-based parent/~~guardian~~ and family engagement activities.

Parents/~~Guardians~~ and family will have input into the funding for parent/guardian engagement through the District and school planning process. Title I funds may be used to pay for reasonable and necessary expenses associated with parent/guardian engagement activities, including transportation, childcare, or home visit expenses to enable parents/~~guardians~~ and family to participate in school-related meetings and training sessions.

Previously Revised: December 12, 2017

References:

State Board of Education Regulations – 22 PA Code Sec. 403.1

ESEA Sec.  
1118(a)(3)(C)

	<p><b>POLICY NO. 919.1</b></p> <p><b>TITLE I DORMONT ELEMENTARY SCHOOL</b></p> <p><b>PARENT/<del>GUARDIAN</del> AND FAMILY ENGAGEMENT</b></p> <p><b><u>POLICY</u></b></p> <p>Elementary and Secondary Education Act – ESEA Sec. 1111, 1118</p> <p>Board Policy – 102</p>	
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KEYSTONE OAKS SCHOOL DISTRICT

# Policy

# Guide



Policy No. 919.2

Section COMMUNITY

Title TITLE I MYRTLE AVENUE  
ELEMENTARY SCHOOL  
PARENT/~~GUARDIAN~~ AND  
FAMILY ENGAGEMENT POLICY

Adopted NOVEMBER 17, 2015

Revised ~~DECEMBER 12, 2017~~

~~Reviewed~~ ~~NOVEMBER 22, 2016~~

	<p><b>POLICY NO. 919.2</b></p> <p><b>TITLE I MYRTLE AVENUE ELEMENTARY SCHOOL PARENT/<del>GUARDIAN</del> AND FAMILY ENGAGEMENT <u>POLICY</u></b></p>	
Section 1	<p><b><u>Purpose</u></b></p> <p><u>The Board recognizes that meaningful parent and family engagement contributes to the achievement of state academic standards by students participating in Title I programs. This policy, developed by Myrtle Avenue Elementary in collaboration with and agreed to by parents and family members, describes how parents and family members will be engaged at the school level. <del>Myrtle Avenue Elementary is committed to providing a quality education for every student in the school. When schools and parents/guardians and families form strong partnerships, all children's potential for academic success improves significantly.</del></u></p>	
Section 2	<p><b><u>Definition</u></b></p> <p><u>Parent and Family (Family Member) - these terms are used interchangeably and shall include caregivers, a legal guardian or other person standing in loco parentis such as a grandparent or stepparent with whom the child lives, a person who is legally responsible for the child's welfare, or a legally appointed Education Decision Maker of a child participating in a Title I program.</u></p> <p><b><u>Authority</u></b></p>	<p><del>ESEA Sec. 1118</del></p>

	<p style="text-align: center;"><b>POLICY NO. 919.2</b>  <b>TITLE I MYRTLE AVENUE ELEMENTARY SCHOOL</b>  <b>PARENT/<del>GUARDIAN</del> AND FAMILY ENGAGEMENT</b>  <u><b>POLICY</b></u></p> <p><del>Each school receiving Title I funding shall jointly develop with, and distribute to, parents/guardians of participating children a written Parent/Guardian and Family engagement Policy, agreed on by such parents/guardians, that shall describe the means for carrying out the requirements established in the Every Student Succeeds Act. Parents/Guardians shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. Such policy shall be made available to the local community and updated annually to meet the changing needs of parents/guardians and the school.</del></p>	
Section 3	<p><b><u>Guidelines</u></b></p> <p>Myrtle Avenue Elementary will involve parents/<del>guardians</del> <u>and family</u> in the development of the school plan and in the process of school review and improvement in the following ways through participation on the Parent/<del>Guardian</del> <u>and Family Member</u> Advisory Council and other forms:</p> <ol style="list-style-type: none"> <li>1. Title I parents/<del>guardians</del> <u>and family</u> will participate in the development of the Title I Plan and will be part of the school review and school improvement (if applicable) procedures.</li> <li>2. Title I parents/<del>guardians</del> <u>and family</u> will serve on the Parent/<del>Guardian</del> <u>and Family</u> Advisory Council for the Title I Plan and the <u>S</u>chool Improvement Plan (if applicable).</li> <li>3. Title I parents/<del>guardians</del> <u>and family</u> will plan, review, and update the School's and District's Title I <u>P</u>arent/<del>guardian</del> and <u>F</u>amily <u>E</u>ngagement policies.</li> <li>4. Title I parents/<del>guardians</del> <u>and family</u> will jointly develop a <u>S</u>chool-<u>P</u>arent/<del>guardian</del> <u>and Family</u> <u>C</u>ompact that outlines how parents/<del>guardians</del> <u>and family</u>, the entire school staff, and students will share in the responsibility for improved student achievement.</li> </ol>	ESEA Sec. 1118(d)

	<p style="text-align: center;"><b>POLICY NO. 919.2</b>  <b>TITLE I MYRTLE AVENUE ELEMENTARY SCHOOL</b>  <b>PARENT/<del>GUARDIAN</del> AND FAMILY ENGAGEMENT</b>  <u><b>POLICY</b></u></p> <p>5. A yearly meeting will be held to provide Title I parents/<del>guardians</del> <u>and family</u> the opportunity for input into the planning, implementation, and evaluation of the Title I program.</p> <p>Myrtle Avenue Elementary will hold an annual meeting with Title I parents/<del>guardians</del> <u>and family</u> in September to inform parents/<del>guardians</del> <u>and family</u> of the school's participation in the Title I program and to explain the requirements of the program and their right to be involved. The following items will be discussed: Title I budget, <u>P</u>parent/<del>guardian</del> and <u>F</u>family <u>E</u>engagement <u>p</u>olicies, overview of Title I (expectations and requirements), standards-based instruction and assessment, overview of the school's curriculum, proficiency levels, multiple criteria for entrance into the program, monitoring student progress, how to work with teachers, parent/<del>guardian</del> <u>and family</u> resource center, school-home compact, and activities for home.</p> <p>Parents/<del>Guardians</del> <u>and family</u> will be invited by letter in their native/preferred language and additional contact as necessary. Myrtle Avenue Elementary will provide technical assistance and support to its Title I program in planning and implementing effective parent/<del>guardian</del> and family engagement activities. The school will:</p> <ol style="list-style-type: none"> <li>1. Assist the Title I program in identifying clear and measurable goals for parent/<del>guardian</del> <u>and family</u> engagement.</li> <li>2. Actively support staff and promote efforts that increase the level of parent/<del>guardian</del> <u>and family</u> engagement, <u>such as Meet the Teacher, Curriculum Night, Parent-Teacher Conferences, Read across America week, Camp Read A Lot, and book fairs.</u></li> <li>3. Provide parents/<del>guardians</del>-<u>and family</u> and staff information, materials, and training on required and effective parent/<del>guardian</del>-and family engagement policies and practices. Provide to Title I program best practices, ideas, materials, new approaches, research, and other program information in order to improve their</li> </ol>	ESEA Sec. 1118(c)(4)
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	<p style="text-align: center;"><b>POLICY NO. 919.2</b>  <b>TITLE I MYRTLE AVENUE ELEMENTARY SCHOOL</b>  <b>PARENT/<del>GUARDIAN</del> AND FAMILY ENGAGEMENT</b>  <u><b>POLICY</b></u></p> <p>parental/<del>guardian</del> <u>and family</u> involvement programs.</p> <ol style="list-style-type: none"> <li>4. Research and model effective parent/<del>guardian</del> <u>and family</u> engagement activities and practices.</li> <li>5. Provide resource materials for parent/<del>guardian</del> <u>and family</u> meetings, workshops, and take home learning activities. Parent/<del>Guardian</del> <u>and family</u> meetings, including parent/<del>guardian</del> <u>and family</u> conferences, will be held at different times during the day. The school will provide, if requested by parents/<del>guardians</del> <u>and family</u>, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to the education of their children, and respond to any suggestions as soon as practically possible.</li> <li>6. Provide parents/<del>guardians</del> <u>and family</u> of participating children with timely information about the Title I program. Parents/<del>Guardians</del> <u>and family</u> will be invited to parent-teacher conferences and receive a Title I report card twice a year. Information can also be obtained through the Title I page of our website and from our Parent Resource Center, located in the Title I room at Myrtle Avenue Elementary.</li> <li>7. Assist Title I program with training and ideas on reaching hard-to-reach parents/<del>guardians</del> <u>and family</u> and parental/<del>guardian</del> <u>and family</u> involvement activities.</li> <li>8. Collaborate with the PFO, Parent <u>and Family</u> Advisory Council, community agencies, and businesses to provide activities that build capacity for parents/<del>guardians</del> <u>and family</u> to assist learning and participate in school processes, such as parent/<del>guardian</del> <u>and family</u> workshops or family unity activities.</li> <li>9. <u>Participate in the organization Trying Together and other opportunities to collaborate with Head Start and PreK programs.</u></li> </ol>	<p>ESEA Sec. 1118(e)(4)</p> <p>ESEA Sec. 1111(h)(6)(B)(i)</p>
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**POLICY NO. 919.2**  
**TITLE I MYRTLE AVENUE ELEMENTARY SCHOOL**  
**PARENT/~~GUARDIAN~~ AND FAMILY ENGAGEMENT**  
**POLICY**

Myrtle Avenue Elementary will build the school's and parents' ~~/guardians'~~ and families' capacity for ~~parent/guardian~~ involvement by offering programs to strengthen the school/family partnership by providing materials and training for school staff and parents ~~/guardians~~ and family. A ~~S~~school-~~P~~parent ~~/guardian~~ and Family ~~C~~compact will be jointly developed and reviewed annually. The ~~C~~compact outlines how parents ~~/guardians~~ and family, the entire school staff, and students will share in the responsibility for improved student achievement. The school will:

1. Educate school staff and parent ~~/guardians~~ and family in the value of contributions of parents ~~/guardians~~ and family and how to reach out to, communicate, with, and work with the parents ~~/guardians~~ and family as equal partners to implement and coordinate ~~ion-parent/guardian~~ programs and to build ties between parents ~~/guardians~~ and family and the school through faculty meetings and professional development using training materials from the State Parent Advisory Council.
2. Provide staff development for teachers, families, administrators, staff and others on how to increase the level of quality of family engagement through PFO meetings and faculty meetings.
3. Provide training through meetings, resources, and conferences to parents ~~/guardians~~ and family in understanding topics such as the importance of challenging academic standards and how they can help their children meet them, monitoring their children's progress, and literacy skills that help parents ~~/guardians~~ and family work with their children. Training will include resources on the school district website, activities to do at home, and the parent ~~/guardian~~ and family resource center.
4. Provide Information and, if needed, assistance to program and parents ~~/guardians~~ and family in understanding state academic content and performance

**POLICY NO. 919.2**  
**TITLE I MYRTLE AVENUE ELEMENTARY SCHOOL**  
**PARENT/~~GUARDIAN~~ AND FAMILY ENGAGEMENT**  
**POLICY**

standards, state and local assessments, requirements for Title I, and how the parents/~~guardians~~ and family can assist in their child's education.

5. Provide the school, to the extent feasible and appropriate, with information on how to work with business partners and/or community organization to learn about Title I to encourage school/family/community partnerships.
6. Provide information to the school and parents/~~guardians~~ and family on the district website under Parent Resource Center.
7. Ensure Title I parents/~~guardians~~ and family with limited English proficiency, literacy difficulties, or other disabilities are given the same opportunities as other parents/~~guardians~~ and family but these opportunities may be structured, adapted, or modified so that these parents/~~guardians~~ and family may receive the same benefits and services as the other Title I parents/~~guardians~~ and family.
- ~~8. Coordinate Title I parent/guardian engagement activities with other parental/guardian engagement activities through collaboration with the PFO.~~
- ~~9.~~8. Coordinate Title I parent/~~guardian~~ and family engagement activities, to the extent feasible and appropriate, with other programs by providing mutual parent/~~guardian~~ and family engagement training and information through collaboration with the PFO.
- ~~10. Collaborate with community agencies to inform schools and parents/guardians of literacy training and parent/guardian education. Myrtle Avenue Elementary will conduct with parents/guardians an annual evaluation of the content and effectiveness of the Parent/Guardian and Family Engagement Policy to assess how much parental/guardian engagement has increased and the barriers to parent/guardian participation that needs to be addressed. The findings will be used to design strategies~~



	<p style="text-align: center;"><b>POLICY NO. 919.2</b>  <b>TITLE I MYRTLE AVENUE ELEMENTARY SCHOOL</b>  <b>PARENT/<del>GUARDIAN</del> AND FAMILY ENGAGEMENT</b>  <u><b>POLICY</b></u></p> <p style="text-align: center;"><del>for school improvement and to revise parental/guardian engagement policies.</del></p> <p><del>11.9.</del> <u>9.</u> Conduct an annual survey and follow-up meeting in the spring for Title I parents/<del>guardians</del> <u>and family</u> to evaluate the content and effectiveness of the Title I parent/<del>guardian</del> <u>and family</u> engagement plans, procedures, and policies and use the evaluation to identify successful <del>parental/guardian</del> engagement strategies, barriers to <del>parent/guardian</del> participation, and make recommendations for improving <del>parental/guardian</del> <u>and family</u> engagement. Barriers to participation of parents/<del>guardians</del> <u>and family</u> who are economically disadvantaged, disabled, have limited English proficiency, are limited in literacy skills, or are part of an ethnic minority background, will be identified to ensure greater parent/guardian participation in school activities. If necessary, after review of the findings of the evaluation, procedures will be revised.</p> <p>Myrtle Avenue Elementary will budget at least one (1) percent of its allocation for parent/guardian engagement materials and activities, <u>if applicable</u>. At least ninety-five (95) percent of the one (1) percent of the allocation for parent/<del>guardian</del> <u>and family</u> engagement at the District level will be used for school-based parent/guardian engagement activities.</p> <p>Parents/<del>Guardians</del> <u>and family</u> will have input into the funding for parent/guardian engagement through the District and school planning process. Title I funds may be used to pay for reasonable and necessary expenses associated with parent/<del>guardian</del> <u>and family</u> engagement activities, including transportation, childcare, or home visit expenses to enable parents/guardians to participate in school-related meetings and training sessions.</p> <p><u>Previously Revised: December 12, 2017</u></p> <p>References:</p> <p>State Board of Education Regulations – 22 PA Code Sec. 403.1</p>	<p>ESEA Sec. 1118(a)(3)(C)</p>
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