

## Northgate School District

006.1

Book	Policy Manual
Section	000 Local Board Procedures
Title	Attendance at Meetings Via Electronic Communications
Code	006.1 Vol II 2020
Status	First Reading
Adopted	September 15, 2008
Last Revised	October 15, 2018

**Authority**

The Board recognizes that factors such as illness, travel, schedule conflicts, weather conditions **and other emergency situations** can make impossible the physical presence of a **school director or other necessary participants** at a Board meeting and that electronic communications can enable a **school director or other necessary participants** to participate in a meeting **electronically** from a remote location.

A **school director** shall be able to attend a Board meeting, and participate in Board deliberations and voting, through electronic communications, but only under extraordinary circumstances. **The Board President may permit other necessary participants to participate in meetings via electronic communications as the Board President deems appropriate.**<sup>[1]</sup>

The Board authorizes the administration to provide the equipment and facilities required to implement this Board procedure.

**Guidelines**

A **school director** who attends a meeting through electronic communications shall be considered present only if the **school director** can hear everything said at the meeting and all those attending the meeting can hear everything said by that **school director and other participants addressing the Board**. If the Board President determines either condition is not occurring, **the Board President** shall terminate the **school director's** attendance through electronic communications.

To attend a Board meeting through electronic communications, a **school director** shall comply with the following:

1. Submit such request to the Board President at least three (3) days prior to the meeting.
2. Ensure that the remote location is quiet and free from background noise and interruptions.
3. Participate in the entire Board meeting.

**Emergency Conditions**

**In the event that the county, state or federal public health authorities, the Governor, or any similar authority with appropriate jurisdiction declares an emergency condition that**

prevents or discourages public gatherings due to a public health or safety concern, the Board shall be authorized to conduct meetings primarily or entirely via electronic communications to enable all school directors and other necessary participants to fully participate in the conduct of official Board business through electronic communications. [2]

Meetings held primarily or entirely via electronic communications shall be conducted in a manner that assures compliance with the public access and public comment requirements of the Sunshine Act. All rules normally applicable to in-person meetings of the Board shall be observed in meetings held primarily or entirely via electronic means to the extent practicable and appropriate to the nature and features of the technology used. [3][4]

The requirement for school directors to submit a request to participate in meetings through electronic communications shall be waived during such emergency conditions.

The Board authorizes the administration to utilize available technical resources to permit the public to attend and submit public comment during open meetings via electronic communications, in accordance with law and Board procedures and policy. [3][4]

If a meeting is held virtually it will be recorded for the purpose of creating the meeting minutes. Once the minutes are completed, the recording will be destroyed.

#### PSBA Revision 4/20 © 2020 PSBA

Legal	1. 24 P.S. 407
	2. Pol. 805
	3. 65 Pa. C.S.A. 701 et seq
	4. Pol. 903
	Pol. 006

## Northgate School District

Book	Policy Manual
Section	100 Programs
Title	Discrimination/Title IX Sexual Harassment Affecting Students
Code	103 Vol IV 2020
Status	First Reading
Adopted	September 15, 2008
Last Revised	June 17, 2019
Prior Revised Dates	09/17/12, 2/20/18

**Authority**

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, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)

**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.**

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 course of, district-sponsored programs or activities, including transportation to or from school or school-sponsored activities**.

**Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures.**[\[18\]](#)[\[19\]](#)[\[20\]](#)[\[21\]](#)

**The Board directs that the foregoing statement of Board policy be posted to the district's website.**

**The Board requires a notice stating that the district does not discriminate in any manner, including Title IX sexual harassment, in any district education program or activity, to be issued to all students, parents/guardians, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional**

agreements with the district. All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator.

### **Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation**

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

**The student's parents/guardians or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal.**

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.  
[22]

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

The complainant or **the individual making the report may use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form 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.

**The building principal shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.**

**The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in Attachment 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 Attachment 3, or other Board policies.**

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

**When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in Attachment 3. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.[18][20][23][24]**

**When an emergency removal, as described in Attachment 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.[18][19][20][23]**

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

### Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a **report** 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. **[25][26][27][28][29]**

### Retaliation

The Board prohibits retaliation by **the district** or any other person against any person for: **[28]**

1. Reporting **or making a formal complaint** of **any form of discrimination or retaliation, including Title IX sexual harassment**.
2. **Testifying, assisting, participating or refusing to participate** in a related investigation, **process or other proceeding** or hearing.
3. **Acting in opposition to** practices the person reasonably believes to be discriminatory.

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against **anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have occurred.**

### Definitions

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

**Respondent shall mean an individual alleged to be the perpetrator of the discriminatory conduct.**

### Discrimination

**Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including** race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, **or** handicap/disability.

**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.[27][30]

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.[30]

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:[30]

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Leaves of absence.
7. Increased security.
8. Monitoring of certain areas of the campus.
9. Assistance from 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.[17][18][23][24][31]

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:[30]

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.
  - a. *Dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:[32]

- i. **Length of relationship.**
  - ii. **Type of relationship.**
  - iii. **Frequency of interaction between the persons involved in the relationship.**
- b. ***Domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.**[\[32\]](#)
- c. ***Sexual assault* means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.**[\[33\]](#)
- d. ***Stalking*, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:**[\[32\]](#)
- i. **Fear for their safety or the safety of others.**
  - ii. **Suffer substantial emotional distress.**

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An education program or activity includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.[\[26\]](#)[\[27\]](#)[\[30\]](#)

#### Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the [\[34\]](#)

**Assistant to the Superintendent as the district's Compliance Officer and Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at:**

**Address: 591 Union Avenue, Pgh., PA 15202**

**Email: flattari@northgatesd.net**

**Phone Number: 412-732-3300, ext. 2109**

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:**

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.

2. Training - **Provide** training for students and staff to prevent, identify and alleviate problems of discrimination.
3. Resources - Maintain and provide information to staff on resources available to complainants 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.
4. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
5. District Support - **Assure** that like aspects of the school programs **and activities** receive like support as to staffing and compensation, facilities, equipment, and related areas. **[35]**
6. Student Evaluation - Review of assessments, procedures, and guidance and counseling materials for stereotyping and discrimination.
7. **Reports/Formal** Complaints - Monitor and provide technical assistance to **individuals involved in managing informal reports and formal** complaints.

### Guidelines

#### Title IX Sexual Harassment Training Requirements

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

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

**All training materials shall be posted on the district's website.**

#### 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:[18][19][20]**

1. **Loss of school privileges.**
2. **Permanent transfer to another school building, classroom or school bus.**
3. **Exclusion from school-sponsored activities.**
4. **Detention.**
5. **Suspension.**
6. **Expulsion.**
7. **Referral to law enforcement officials.**

**An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[21] [36]**

### **Reports of Discrimination**

**Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in Attachment 2 to this policy.**

### **Reports of Title IX Sexual Harassment**

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

**PSBA Revision 7/20 © 2020 PSBA**

- |       |                            |
|-------|----------------------------|
| Legal | 1. 22 PA Code 12.1         |
|       | 2. 22 PA Code 12.4         |
|       | 3. 22 PA Code 15.1 et seq  |
|       | 4. 22 PA Code 4.4          |
|       | 5. 24 P.S. 1301            |
|       | 6. 24 P.S. 1310            |
|       | 7. 24 P.S. 1601-C et seq   |
|       | 8. 24 P.S. 5004            |
|       | 9. 43 P.S. 951 et seq      |
|       | 10. 20 U.S.C. 1681 et seq  |
|       | 11. 34 CFR Part 106        |
|       | 12. 29 U.S.C. 794          |
|       | 13. 42 U.S.C. 12101 et seq |

14. 42 U.S.C. 1981 et seq
15. 42 U.S.C. 2000d et seq
16. U.S. Const. Amend. XIV, Equal Protection Clause
17. Pol. 103.1
18. Pol. 113.1
19. Pol. 218
20. Pol. 233
21. Pol. 317
22. Pol. 806
23. Pol. 113.2
24. Pol. 113.3
25. 20 U.S.C. 1232g
26. 34 CFR 106.44
27. 34 CFR 106.45
28. 34 CFR 106.71
29. 34 CFR Part 99
30. 34 CFR 106.30
31. Pol. 113
32. 34 U.S.C. 12291
33. 20 U.S.C. 1092
34. 34 CFR 106.8
35. Pol. 150
36. Pol. 317.1
- 18 Pa. C.S.A. 2709
- 20 U.S.C. 1400 et seq
- 28 CFR Part 41
- 28 CFR Part 35
- 34 CFR Part 100
- 34 CFR Part 104
- 34 CFR Part 110
- U.S. Const. Amend. I
- Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 (2020)
- Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
- Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
- Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
- [Office for Civil Rights - Resources for Addressing Racial Harassment](#)
- Pol. 122
- Pol. 123
- Pol. 138
- Pol. 216
- Pol. 220

- Pol. 247
- Pol. 249
- Pol. 251
- Pol. 252
- Pol. 320
- Pol. 701
- Pol. 815
- Pol. 832

[103-Attach 1 Report Form.pdf \(161 KB\)](#)

[103-Attach 2 Discrimination.docx \(40 KB\)](#)

[103-Attach 3 Title IX.docx \(77 KB\)](#)

[103-Attach 4 ConfidentialityTemplateLetter.docx \(21 KB\)](#)



## Northgate School District

104

Book	Policy Manual
Section	100 Programs
Title	Discrimination/Title IX Sexual Harassment Affecting Staff
Code	104 Vol IV 2020
Status	First Reading
Adopted	September 15, 2008
Last Revised	June 17, 2019
Prior Revised Dates	01/20/14,09/20/10, 02/20/18

**Authority**

The Board declares it to be the policy of this district to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy or handicap/disability. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)

**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.**

**The Board directs that the foregoing statement of Board policy be posted to the district's website.**

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

**Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation**

The Board encourages employees and third parties who believe they or others have been subject to **Title IX sexual harassment, other discrimination or retaliation** to promptly report such incidents to **the building principal or building administrator. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.**

**If the building principal or building administrator is the subject of a complaint, the complainant or the individual making the report shall direct the report of the incident to the Title IX Coordinator.**

The complainant or **the individual making the report may use the Discrimination/Sexual Harassment/Retaliation Report Form 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.

**The building principal or building administrator shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.**

**The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in Attachment 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 Attachment 3, or other Board policies.**

#### **Disciplinary Procedures when Reports Allege Title IX Sexual Harassment**

**When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in Attachment 3. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.**

#### ***Administrative Leave –***

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

**An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.**

#### **Confidentiality**

**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. [13][14][15][16][17]**

#### **Retaliation**

The Board prohibits retaliation by **the district** or any other person against any person for: **[16]**

- 1. Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment.**

2. **Testifying, assisting, participating or refusing to participate** in a related investigation, process or other proceeding or hearing.

3. **Acting in opposition to** practices the person reasonably believes to be discriminatory.

**The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if they believe retaliation has occurred.**

### **Definitions**

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

**Respondent shall mean an individual alleged to be the perpetrator of the discriminatory conduct.**

### **Discrimination**

**Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including** race, color, age, creed, religion, sex, sexual orientation, genetic information, ancestry, national origin, marital status, pregnancy, or handicap/disability.

**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 work performance, including when:[\[9\]](#)

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or
2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or
3. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions.

### **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.**[\[15\]](#)[\[18\]](#)

**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.**[\[18\]](#)

**Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including**

measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:[\[18\]](#)

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

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:[\[18\]](#)

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:[\[19\]](#)
    - i. Length of relationship.
    - ii. Type of relationship.
    - iii. Frequency of interaction between the persons involved in the relationship.
  - b. *Domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[\[19\]](#)
  - c. *Sexual assault* means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime

reporting system of the Federal Bureau of Investigation.[20]

- d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:[19]
- i. **Fear for their safety or the safety of others.**
  - ii. **Suffer substantial emotional distress.**

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An education program or activity includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.[14][15][18]

### Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the [21]

*[The district may choose the same or different individuals to fulfill the roles of Compliance Officer and Title IX Coordinator. If designating one (1) individual to fulfill both responsibilities, select the first option and enter the appropriate position title. If designating two (2) individuals to fulfill the separate responsibilities, select the second option and enter the appropriate position titles.]*

Francesca Lattari as the district's Compliance Officer and Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at:

**Address: 591 Union Ave., Pgh., PA 15202**

**Email: flattari@northgatesd.net**

**Phone Number: 412-732-3300, ext. 2109**

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**:

1. Review - Review of personnel practices and actions for discriminatory bias and compliance with laws against discrimination to include monitoring and recommending corrective measures when appropriate to written position qualifications, job descriptions and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; district designed performance evaluations; review of planned employee demotions, non-renewal of contracts, and proposed employee disciplinary actions up to and including termination.
2. Training - **Provide** training for supervisors and staff to prevent, identify and alleviate problems of employment discrimination.
3. Resources - Maintain and provide information to staff on resources available to alleged victims in addition to the school complaint procedure **or Title IX procedures**, such as Employee

Assistance Program.

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

## Guidelines

### Title IX Sexual Harassment Training Requirements

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

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

All training materials shall be posted on the district's website.

### Disciplinary Consequences

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[22][23][24][25]

### Reports of Discrimination

Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed, religion, sex, sexual orientation, ancestry, genetic information, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in Attachment 2 to this policy.

### Reports of Title IX Sexual Harassment

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

**PSBA Revision 7/20 © 2020 PSBA**

## Legal

1. 43 P.S. 336.3
2. 43 P.S. 951 et seq
3. 34 CFR Part 106
4. 20 U.S.C. 1681 et seq
5. 29 U.S.C. 206
6. 29 U.S.C. 621 et seq
7. 29 U.S.C. 794
8. 42 U.S.C. 1981 et seq
9. 42 U.S.C. 2000e et seq
10. 42 U.S.C. 2000ff et seq
11. 42 U.S.C. 12101 et seq
12. U.S. Const. Amend. XIV, Equal Protection Clause
13. 20 U.S.C. 1232g
14. 34 CFR 106.44
15. 34 CFR 106.45
16. 34 CFR 106.71
17. 34 CFR Part 99
18. 34 CFR 106.30
19. 34 U.S.C. 12291
20. 20 U.S.C. 1092
21. 34 CFR 106.8
22. Pol. 317
23. Pol. 317.1
24. Pol. 806
25. Pol. 824
- 16 PA Code 44.1 et seq
- 18 Pa. C.S.A. 2709
- 28 CFR 35.140
- 28 CFR Part 41
- 29 CFR Parts 1600-1691
- EEOC Enforcement Guidance on Harris v. Forklift Sys., Inc., November 9, 1993
- EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 18, 1999
- EEOC Policy Guidance on Current Issues of Sexual Harassment, March 19, 1990
- Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998)
- Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
- Pol. 320
- Pol. 815
- Pol. 832

104-Attach 1 Report Form.pdf (170 KB)

104-Attach 2 Discrimination.docx (40 KB)

104-Attach 3 Title IX.docx (76 KB)



## Northgate School District

P 04

Book	Policy Manual
Section	200 Pupils
Title	Attendance
Code	204 Vol III 2019
Status	First Reading
Adopted	September 15, 2008
Last Revised	September 17, 2018

**Purpose**

The Board recognizes that attendance is an important factor in educational success, and supports a comprehensive approach to identify and address attendance issues. [1]

**Authority**

**The Board requires the attendance** of all students during the days and hours that school is in session, except that **temporary student absences may be excused by** authorized district staff **in accordance with applicable laws and regulations, Board policy and administrative regulations.** [2][3][4][5][6][7]

**Definitions**

**Compulsory school age** shall mean the period of a **student's** life from the time the **student's person in parental relation** elects to have the **student** enter school, which shall be no later than eight (8) years of age, until the **student** reaches seventeen (17) years of age. **Beginning with the academic year 2020-2021, compulsory school age shall mean no later than age six (6) until age eighteen (18).** The term does not include a **student** who holds a certificate of graduation from a regularly accredited, licensed, registered or approved high school. [8][9]

**Habitually truant** shall mean six (6) or more school days of unexcused absences during the current school year by a **student** subject to compulsory school attendance. [9]

**Truant** shall mean having incurred three (3) or more school days of unexcused absences during the current school year by a **student** subject to compulsory school attendance. [9]

**Person in parental relation** shall mean a: [9]

1. Custodial biological or adoptive parent.
2. Noncustodial biological or adoptive parent.
3. Guardian of the person of a **student**.
4. Person with whom a **student** lives and who is acting in a parental role of a **student**.

This **term** shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child as defined by law.[10]

**School-based or community-based attendance improvement program** shall mean a program designed to improve school attendance by seeking to identify and address the underlying reasons for a **student's** absences. The term may include an educational assignment in an alternative education program, provided the program does not include a program for disruptive youth established pursuant to Article XIX-C of the Pennsylvania Public School Code.[9]

### Delegation of Responsibility

The Superintendent or designee shall annually notify students, **persons in parental relation**, staff and local children and youth agency and local **magisterial district judges** about the district's attendance policy by publishing such policy in student handbooks, and **on the** district website.[1][11]

The Superintendent or designee, in coordination with the building principal, shall be responsible for the implementation and enforcement of this policy.

The Superintendent or designee shall follow published district attendance guidelines for the attendance of students which:

1. Govern the maintenance of attendance records in accordance with law.[12][13]
2. Detail the process for submission of requests and excuses for student absences.
3. Detail the process for written notices, School Attendance Improvement Conferences, School Attendance Improvement Plans, and referrals to a school-based or community-based attendance improvement program, the local children and youth agency, or the appropriate **magisterial district** judge.
4. Ensure that students legally absent have an opportunity to make up work.

### Guidelines

#### Compulsory School Attendance Requirements

All students of compulsory school age who reside in the district shall be subject to the compulsory school attendance requirements.[5]

A student shall be considered in attendance if present at any place where school is in session by authority of the Board; the student is receiving approved tutorial instruction, or health or therapeutic services; the student is engaged in an approved and **properly** supervised independent study, work-study or career education program; the student is receiving approved homebound instruction; **or the student's placement is instruction in the home.**[2][5][14][15][16][17][18][19][20]

The following students shall be excused from the requirements of attendance at district schools, upon request and with the required approval:

1. On certification by a physician or submission of other satisfactory evidence and on approval of the Department of Education, children who are unable to attend school or apply themselves to study for mental, physical or other reasons that preclude regular attendance.[6][7][21]
2. Students enrolled in nonpublic or private schools in which the subjects and activities prescribed by law are taught.[5][22]
3. Students attending college who are also enrolled part-time in district schools.[23]

4. Students attending a home education program or private tutoring in accordance with law. [5][18][24][25][26][27]
5. Students fifteen (15) or sixteen (16) years of age whose enrollment in private trade or business schools has been approved. [5]
6. Students fifteen (15) years of age, **as well as students** fourteen (14) years of age who have completed the highest elementary grade, engaged in farm work or private domestic service under duly issued permits. [7]
7. Students sixteen (16) years of age regularly **engaged in useful and lawful employment** during the school session and holding a **valid** employment certificate. **Regularly engaged means thirty-five (35) or more hours per week of employment.** [7][15]

#### Excused/Lawful Absence

For purposes of this policy, the following conditions or situations constitute reasonable cause for absence from school:

1. Illness, including if a student is dismissed by designated district staff during school hours for health-related reasons. [3][6]
2. Obtaining professional health care or therapy service rendered by a licensed practitioner of the healing arts in any state, commonwealth or territory. [6]
3. Quarantine.
4. Family emergency.
5. Recovery from accident.
6. Required court attendance.
7. Death in family.
8. Participation in a project sponsored by a statewide or countywide 4-H, FFA or combined 4-H and FFA group, upon prior written request. [1][6]
9. **Participation in a musical performance in conjunction with a national veterans' organization or incorporated unit, as defined in law, for an event or funeral.** [6]
  - a. **The national veterans' organization or incorporated unit must provide the student with a signed excuse, which shall include the date, location, and time of the event or funeral.**
  - b. **The student shall furnish the signed excuse to the district prior to being excused from school.**
10. Observance of a religious holiday observed by a bona fide religious group, upon prior written request **from the person in parental relation.** [28]
11. Nonschool-sponsored educational tours or trips, if the following conditions are met: [6][29]
  - a. The **person in parental relation submits the required documentation** for excusal prior to the absence, **within the appropriate timeframe.**

- b. The student's participation has been approved by the Superintendent or designee.
- c. The adult directing and supervising the tour or trip is acceptable to the **person in parental relation** and the Superintendent.

12. College or postsecondary institution visit, with prior approval.

13. Other urgent reasons **that may reasonably cause a student's absence, as well as circumstances related to homelessness and foster care.**[3][6][30][31]

The district may limit the number and duration of nonschool-sponsored educational tours or trips and college or postsecondary institution visits for which excused absences may be granted to a student during the school year.

#### *Temporary Excusals –*

The following students may be temporarily excused from the requirements of attendance at district schools:

1. Students receiving tutorial instruction in a field not offered in the district's curricula from a properly qualified tutor approved by the Superintendent, when the excusal does not interfere with the student's regular program of studies.[5][14][18]
2. Students participating in a religious instruction program, if the following conditions are met: [28][32]
  - a. The **person in parental relation** submits a written request for excusal. The request shall identify and describe the instruction, and the dates and hours of instruction.
  - b. The student shall not miss more than thirty-six (36) hours per school year in order to attend classes for religious instruction.
  - c. Following each absence, the **person in parental relation** shall submit a statement attesting that the student attended the instruction, and the dates and hours of attendance.
3. School age children unable to attend school upon recommendation of the school physician and a psychiatrist or school psychologist, or both, and with approval of the Secretary of Education. [21]

#### *Parental Notice of Absence –*

Absences shall be treated as **unexcused** until the district receives a written excuse explaining the absence, to be submitted within **(other) 10** days of the absence.

A maximum of ten (10) days of cumulative lawful absences verified by parental notification shall be permitted during a school year. All absences beyond ten (10) cumulative days shall require an excuse from a licensed practitioner of the healing arts.

#### Unexcused/Unlawful Absence

For purposes of this policy, absences which do not meet the criteria indicated above shall be **permanently** considered unexcused.

An out-of-school suspension may not be considered an unexcused absence.[9]

#### *Parental Notification –*

District staff shall provide **prompt** notice to the person in parental relation upon each incident of unexcused absence.

### Enforcement of Compulsory Attendance Requirements

#### *Student is Truant –*

When a student has been absent for three (3) days during the current school year without a lawful excuse, district staff shall provide notice to the person in parental relation who resides in the same household as the student within ten (10) school days of the student's third unexcused absence. [33]

The notice shall: [33]

1. Be in the mode and language of communication preferred by the person in parental relation;
2. Include a description of the consequences if the student becomes habitually truant; and
3. When transmitted to a person who is not the biological or adoptive parent, also be provided to the **student's** biological or adoptive parent, if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.

The notice may include the offer of a School Attendance Improvement Conference. [33]

If the student incurs additional unexcused absences after issuance of the notice and a School Attendance Improvement Conference was not previously held, district staff shall offer a School Attendance Improvement Conference. [33]

#### *School Attendance Improvement Conference (SAIC) –*

District staff shall notify the person in parental relation in writing and by telephone of the date and time of the **SAIC**. [33]

The purpose of the **SAIC** is to examine the student's absences and reasons for the absences in an effort to improve attendance with or without additional services. [9]

The following individuals shall be invited to the **SAIC**: [9]

1. The student.
2. The student's person in parental relation.
3. Other individuals identified by the person in parental relation who may be a resource.
4. Appropriate school personnel.
5. Recommended service providers.

Neither the student nor the person in parental relation shall be required to participate, and the **SAIC** shall occur even if the person in parental relation declines to participate or fails to attend the scheduled conference. [33]

The outcome of the **SAIC** shall be documented in a written School Attendance Improvement Plan. The Plan shall be retained in the student's file. A copy of the Plan shall be provided to the person in parental relation, the student and appropriate district staff. [33]

The district may not take further legal action to address unexcused absences until the scheduled **SAIC has been held and the student has incurred six (6) or more days of unexcused absences**. [33]

*Student is Habitually Truant –*

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When a student under fifteen (15) years of age is habitually truant, district staff:[34]

1. Shall refer the student to:
  - a. A school-based or community-based attendance improvement program; or
  - b. The local children and youth agency.
2. May file a citation in the office of the appropriate **magisterial district** judge against the person in parental relation who resides in the same household as the student.[34]

When a student fifteen (15) years of age or older is habitually truant, district staff shall:[34]

1. Refer the student to a school-based or community-based attendance improvement program; or
2. File a citation in the office of the appropriate **magisterial district** judge against the student or the person in parental relation who resides in the same household as the student.

District staff may refer a student who is fifteen (15) years of age or older to the local children and youth agency, if the student continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program, or if the student refuses to participate in such program.[34]

Regardless of age, when district staff refer a habitually truant student to the local children and youth agency or file a citation with the appropriate **magisterial district** judge, district staff shall provide verification that the school held a **SAIC**.[34]

*Filing a Citation –*

A citation shall be filed in the office of the appropriate **magisterial district** judge whose jurisdiction includes the school in which the student is or should be enrolled, **against the student or person in parental relation to the student**.[35]

Additional citations for subsequent violations of the compulsory school attendance requirements may only be filed against a student or person in parental relation in accordance with the specific provisions of the law.[35]

Special Needs and Accommodations

If a truant or habitually truant student may qualify as a student with a disability, and require special education services or accommodations, the Director of Special Education shall be notified and shall take action to address the student's needs in accordance with applicable law, regulations and Board policy.[16][36][37][38]

For students with disabilities who are truant or habitually truant, the appropriate team shall be notified and shall address the student's needs in accordance with applicable law, regulations and Board policy.[16][36][38]

Discipline

The district shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.[33]

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Parents/Guardians and students are strongly encouraged to make personal appointments for before or after school hours since being dismissed early from school can cause a disruption to the educational process. A written request from the parent/guardian that includes the time, date, and

reason for the request must be submitted to the Middle School/High School Attendance Office or Elementary Homeroom/Office no later than 9:00 am on the day of early dismissal. Students enrolled in and attending A.W. Beattie Career Center must submit early dismissal requests upon arrival. The district may also require that students who receive approved early dismissals for medical or dental appointments bring an appointment notice from the doctor when the excuse is issued or when the student returns from the appointment. In exceptional circumstances, prior written notice may be waived provided the parent/guardian personally appears at the school to request the student's release.

For purposes of this policy, the following conditions or situations constitute valid early dismissal requests:

1. Illness, including if a student is dismissed by designated district staff during school hours for health-related reasons. [\[3\]](#)[\[6\]](#)
2. Obtaining professional health care or therapy service rendered by a licensed practitioner of the healing arts in any state, commonwealth or territory. [\[6\]](#)
3. Quarantine.
4. Family emergency.
5. Recovery from accident.
6. Required court attendance.
7. Death in family.
8. Participation in a project sponsored by a statewide or countywide 4-H, FFA or combined 4-H and FFA group, upon prior written request. [\[1\]](#)[\[6\]](#)
9. Observance of a religious holiday observed by bona fide religious group, upon prior written parental request. [\[26\]](#)
10. Nonschool-sponsored educational tours or trips, if the following conditions are met: [\[6\]](#)[\[27\]](#)
  - a. The parent/guardian submits a written request for excusal prior to the early dismissal.
  - b. The student's participation has been approved by the Superintendent or designee.
  - c. The adult directing and supervising the tour or trip is acceptable to the parents/guardians and the Superintendent.
11. College or postsecondary institution visit, with prior approval.
12. Other urgent reasons. Urgent reasons shall be strictly construed and do not permit irregular attendance. [\[3\]](#)[\[6\]](#)

### PSBA Revision 8/19 © 2019 PSBA

- Legal
1. 22 PA Code 11.41
  2. 22 PA Code 11.23
  3. 22 PA Code 11.25
  4. 22 PA Code 12.1

5. 24 P.S. 1327
6. 24 P.S. 1329
7. 24 P.S. 1330
8. 22 PA Code 11.13
9. 24 P.S. 1326
10. 42 Pa. C.S.A. 6302
11. 24 P.S. 510.2
12. 24 P.S. 1332
13. 24 P.S. 1339
14. 22 PA Code 11.22
15. 22 PA Code 11.28
16. Pol. 113
17. Pol. 115
18. Pol. 116
19. Pol. 117
20. Pol. 118
21. 22 PA Code 11.34
22. 22 PA Code 11.32
23. 22 PA Code 11.5
24. 22 PA Code 11.31
25. 22 PA Code 11.31a
26. 24 P.S. 1327.1
27. Pol. 137
28. 22 PA Code 11.21
29. 22 PA Code 11.26
30. Pol. 251
31. Pol. 255
32. 24 P.S. 1546
33. 24 P.S. 1333
34. 24 P.S. 1333.1
35. 24 P.S. 1333.2
36. Pol. 103.1
37. Pol. 113.3
38. Pol. 114
- 22 PA Code 11.24
- 22 PA Code 11.8
- 24 P.S. 1333.3

## Northgate School District

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Book	Policy Manual
Section	200 Pupils
Title	Withdrawal From School
Code	208 Vol III 2019
Status	First Reading
Adopted	September 15, 2008

**Purpose**

The Board affirms that even though law requires attendance of only **students of compulsory school age**, it is in the best interests of both students and the community that students complete the educational program that will equip them with required skills and increase their chances for a successful life beyond school. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

**Authority**

The Board directs that whenever a student wishes to withdraw, efforts should be made to determine the underlying reason for such action. District resources and staff shall be utilized to assist the student in pursuing career goals.

No student of compulsory school age will be permitted to withdraw without the written consent of a parent/guardian and supporting justification.

The Board shall approve the withdrawal of students attending college full-time. [\[6\]](#)

**Guidelines**

Counseling services shall be made available to any student who states an intention to withdraw permanently.

Information shall be given to help a withdrawing student define educational and life goals and develop a plan for achieving those goals.

Students shall be informed about the tests for General Educational Development.

**Delegation of Responsibility**

The building **principal** shall ensure the timely return of all district-owned supplies and equipment in the possession of the student.

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Legal

1. 22 PA Code 11.13
2. 22 PA Code 12.1
3. 24 P.S. 1326
4. 24 P.S. 1327
5. Pol. 204
6. 22 PA Code 11.4

## Northgate School District

247

Book	Policy Manual
Section	200 Pupils
Title	Hazing
Code	247 Vol IV 2020
Status	First Reading
Adopted	September 15, 2008
Last Revised	September 16, 2019
Prior Revised Dates	08/15/16

**Purpose**

The purpose of this policy is to maintain a safe, positive environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the district and are prohibited at all times.

**Definitions**

**Hazing** occurs when a person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a student with an organization, or for the purpose of continuing or enhancing membership or status in an organization, causes, coerces or forces a student to do any of the following:[1]

1. Violate federal or state criminal law.
2. Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the student to a risk of emotional or physical harm.
3. Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
4. Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.
5. Endure brutality of a sexual nature.
6. Endure any other activity that creates a reasonable likelihood of bodily injury to the student.

**Aggravated hazing** occurs when a person commits an act of hazing that results in serious bodily injury or death to the student and:[2]

1. The person acts with reckless indifference to the health and safety of the student; or

2. The person causes, coerces or forces the consumption of an alcoholic liquid or drug by the student.

**Organizational hazing** occurs when an organization intentionally, knowingly or recklessly promotes or facilitates hazing.[3][4]

Any activity, as described above, shall be deemed a violation of this policy regardless of whether:[5]

1. The consent of the student was sought or obtained, or
2. The conduct was sanctioned or approved by the school or organization.

**Student activity or organization** means any activity, society, corps, team, club or service, social or similar group, operating under the sanction of or recognized as an organization by the district, whose members are primarily students or alumni of the organization.[6][7]

For purposes of this policy, **bodily injury** shall mean impairment of physical condition or substantial pain.[8]

For purposes of this policy, **serious bodily injury** shall mean bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.[8]

### Authority

The Board prohibits hazing in connection with any student activity or organization regardless of whether the conduct occurs on or off school property or outside of school hours.[4][5][7][9][10]

No student, parent/guardian, coach, sponsor, volunteer or district employee shall engage in, condone or ignore any form of hazing.

The Board encourages students who believe they, or others, have been subjected to hazing to promptly report such incidents to the building principal or designee.

### Title IX Sexual Harassment and Other Discrimination

Every report of alleged hazing that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer/**Title IX Coordinator**. If, in the course of a hazing investigation, potential issues of discrimination are identified, the **Title IX Coordinator** shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged hazing.[11][12]

### Delegation of Responsibility

Students, parents/guardians, coaches, sponsors, volunteers, and district employees shall be alert to incidents of hazing and shall report such conduct to the building principal or designee.

### Guidelines

In addition to posting this policy on the district's publicly accessible website, the district shall inform students, parents/guardians, sponsors, volunteers and district employees of the district's policy prohibiting hazing, including district rules, penalties for violations of the policy, and the program established by the district for enforcement of the policy by means of publication in handbooks, verbal instructions by the coach or sponsor at the start of the season or program. [4]

This policy, along with other applicable district policies, procedures and Codes of Conduct, shall be provided to all school athletic coaches and all sponsors and volunteers affiliated with a student activity or organization, prior to coaching an athletic activity or serving as a responsible adult

supervising, advising, assisting or otherwise participating in a student activity or organization together with a notice that they are expected to read and abide by the policies, procedures and Codes of Conduct.[7]

### Complaint Procedure

A student who believes that **they have** been subject to hazing is encouraged to promptly report the incident to the building principal or designee.

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

The Board directs that verbal and written complaints of hazing shall be provided to the building principal or designee, who shall promptly notify the Superintendent or designee of the allegations and determine who shall conduct the investigation. Allegations of hazing shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. The Board directs that any complaint of hazing brought pursuant to this policy shall also be reviewed for conduct which may not be proven to be hazing under this policy but merits review and possible action under other Board policies.

### Interim Measures/Police

Upon receipt of a complaint of hazing, the building principal or designee, in consultation with the Superintendent or designee, shall determine what, if any interim measures should be put in place to protect students from further hazing, bullying, discrimination or retaliatory conduct related to the alleged incident and report. Such interim measures may include, but not be limited to, the suspension of an adult who is involved, the separation of alleged victims and perpetrators, and the determination of what the complaining student needs or wants through questioning.

Those receiving the initial report and conducting or overseeing the investigation will assess whether the complaint, if proven, would constitute hazing, aggravated hazing or organizational hazing and shall report it to the police consistent with district practice and, as appropriate, consult with legal counsel about whether to report the matter to the police at every stage of the proceeding. The decision to report a matter to the police should not involve an analysis by district personnel of whether safe harbor provisions might apply to the person being reported, but information on the facts can be shared with the police in this regard.[13]

### *Referral to Law Enforcement and Safe Schools Reporting Requirements –*

For purposes of reporting hazing incidents to law enforcement in accordance with Safe Schools Act reporting, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.[14][15][16]

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents, as defined in the Safe Schools Act, committed by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[14][15][17][18][19][20]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in a defined incident as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[15][20][21]

In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the Office for Safe Schools on the required form.[14][20]

### Confidentiality

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

### Retaliation

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

### Consequences for Violations

#### *Safe Harbor –*

An individual needing medical attention or seeking medical attention for another shall not be subject to criminal prosecution if **the individual** complies with the requirements under law, subject to the limitations set forth in law.[13]

#### *Students –*

If the investigation results in a substantiated finding of hazing, the investigator shall recommend appropriate disciplinary action up to and including expulsion, as circumstances warrant, in accordance with the Code of Student Conduct. The student may also be subject to disciplinary action by the coach or sponsor, up to and including removal from the activity or organization. The fact of whether a student qualified for and received safe harbor under a criminal investigation shall be considered in assigning discipline.[4][7][13][22][23]

In addition to other authorized discipline, building principals shall have the authority, after providing the student or students an informal hearing, to impose a fine of up to Fifty dollars (\$50) on each student determined to have engaged in hazing in violation of this policy.[4][22]

When recommended disciplinary action results in a formal hearing before the Board, in addition to other authorized disciplinary consequences, the Board may also impose a fine of up to One hundred fifty dollars (\$150) on each student determined to have engaged in hazing in violation of this policy. [4][23]

#### *Nonstudent Violators/Organizational Hazing -*

If the investigation results in a substantiated finding that a coach, sponsor, or volunteer affiliated with the student activity or organization engaged in, condoned or ignored any violation of this policy, **the coach, sponsor, or volunteer** shall be disciplined in accordance with Board policy and applicable laws and regulations. Discipline could include, but is not limited to, dismissal from the position as coach, sponsor, or volunteer, and/or dismissal from district employment.[24]

If an organization is found to have engaged in organizational hazing, it shall be subject to the imposition of fines and other appropriate penalties. Penalties may include rescission of permission for that organization to operate on school property or to otherwise operate under the sanction or recognition of the district.

*Criminal Prosecution –*

Any person or organization that causes or participates in hazing may also be subject to criminal prosecution.[4]

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## Legal

1. 18 Pa. C.S.A. 2802
2. 18 Pa. C.S.A. 2803
3. 18 Pa. C.S.A. 2804
4. 18 Pa. C.S.A. 2808
5. 18 Pa. C.S.A. 2806
6. 18 Pa. C.S.A. 2801
7. 24 P.S. 511
8. 18 Pa. C.S.A. 2301
9. Pol. 122
10. Pol. 123
11. Pol. 103
12. Pol. 103.1
13. 18 Pa. C.S.A. 2810
14. 24 P.S. 1303-A
15. 22 PA Code 10.2
16. 35 P.S. 780-102
17. 24 P.S. 1302.1-A
18. 22 PA Code 10.21
19. 22 PA Code 10.22
20. Pol. 805.1
21. 22 PA Code 10.25
22. Pol. 218
23. Pol. 233
24. Pol. 317
- 18 Pa. C.S.A. 2801 et seq
- 22 PA Code 10.23
- Pol. 113.1
- Pol. 916

247-Attach 1 Report Form.pdf (161 KB)



## Northgate School District

(249)

Book	Policy Manual
Section	200 Pupils
Title	Bullying/Cyberbullying
Code	249 Vol IV 2020
Status	First Reading
Adopted	November 17, 2008
Last Revised	June 17, 2019
Last Reviewed	May 21, 2018
Prior Revised Dates	08/20/12

**Purpose**

The Board is committed to providing a safe, positive learning environment for district students. The Board recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying by district students.

**Definitions**

**Bullying** means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting that is severe, persistent or pervasive and has the effect of doing any of the following: [1]

1. Substantially interfering with a student's education.
2. Creating a threatening environment.
3. Substantially disrupting the orderly operation of the school.

**Bullying**, as defined in this policy, includes cyberbullying.

**School setting** means in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school. [1]

**Authority**

The Board prohibits all forms of bullying by district students. [1]

The Board encourages students who believe they or others have been bullied to promptly report such incidents to the building principal or designee.

Students are encouraged to use the district's report form, available from the building principal, or to put the complaint in writing; however, oral complaints shall be accepted and documented. The

person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of a violation of this policy.

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

### **Title IX Sexual Harassment and Other Discrimination**

Every report of alleged bullying that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer/**Title IX Coordinator**. If, in the course of a bullying investigation, potential issues of discrimination are identified, the **Title IX Coordinator** shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged bullying.[2][3]

#### **Confidentiality**

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

#### **Retaliation**

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

#### **Delegation of Responsibility**

Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying.

The Superintendent or designee shall develop administrative regulations to implement this policy.

The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed annually with students.[1]

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the Board.[1]

District administration shall annually provide the following information with the Safe School Report:  
[1]

1. Board's Bullying Policy.
2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention or education programs.

#### **Guidelines**

The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.[1][4][5]

This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district website.<sup>[1]</sup>

Education

The district may develop, implement and evaluate bullying prevention and intervention programs and activities. Programs and activities shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.<sup>[1][6][7][8]</sup>

Consequences for Violations

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:<sup>[1][4][9]</sup>

1. Counseling within the school.
2. Parental conference.
3. Loss of school privileges.
4. Transfer to another school building, classroom or school bus.
5. Exclusion from school-sponsored activities.
6. Detention.
7. Suspension.
8. Expulsion.
9. Referral to law enforcement officials.

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- |       |                     |
|-------|---------------------|
| Legal | 1. 24 P.S. 1303.1-A |
|       | 2. Pol. 103         |
|       | 3. Pol. 103.1       |
|       | 4. Pol. 218         |
|       | 5. 22 PA Code 12.3  |
|       | 6. 20 U.S.C. 7118   |
|       | 7. 24 P.S. 1302-A   |
|       | 8. Pol. 236         |
|       | 9. Pol. 233         |
|       | Pol. 113.1          |

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## Northgate School District

(252)

Book	Policy Manual
Section	200 Pupils
Title	Dating Violence
Code	252 Vol IV 2020
Status	First Reading

**Purpose**

The purpose of this policy is to maintain a safe, positive learning environment for all students that is free from dating violence. Dating violence is inconsistent with the educational goals of the district and is prohibited at all times.

**Definitions**

**Dating Partner** shall mean a person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long-term.[1]

**Dating Violence** shall mean behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner.[1]

**Authority**

The Board encourages students who have been subjected to dating violence to promptly report such incidents.

The district shall investigate promptly all complaints of dating violence and shall administer appropriate discipline to any student who violates this policy.[2]

**Title IX Sexual Harassment and Other Discrimination**

**Every report of alleged dating violence that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer/Title IX Coordinator. If, in the course of a dating violence investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged dating violence.[3][4]**

**Guidelines****Complaint Procedure**

When a student believes that **they have** been subject to dating violence, the student is encouraged to promptly report the incident, orally or in writing, to the building principal, guidance counselor, and/or classroom teacher.

The building principal shall conduct a timely, impartial, and comprehensive investigation of the alleged dating violence.

The building principal shall prepare a written report summarizing the investigation and recommending disposition of the complaint. The complainant and the accused shall be informed of the outcome of the investigation.[1]

If the investigation results in a substantiated finding of dating violence, the building principal shall recommend appropriate disciplinary action, as circumstances warrant, in accordance with the Code of Student Conduct.[1][2]

The district shall document the corrective action taken and, where not prohibited by law, inform the complainant.

This policy on dating violence shall be:[1]

1. Published in the Student Handbook.
2. Made available on the district's website, if available.

#### Dating Violence Training

The district may provide dating violence training to guidance counselors, nurses, and mental health staff at the high school as deemed necessary. At the discretion of the Superintendent, parents/guardians and other staff may also receive training on dating violence.[1]

#### Dating Violence Education

The district may incorporate age-appropriate dating violence education into the annual health curriculum framework for students in grades nine through twelve. The district shall consult with at least one (1) local domestic violence program or rape crisis program when developing the educational program.[1][5]

A parent/guardian of a student under the age of eighteen (18) shall be permitted to examine the instructional materials for the dating violence education program.[1][6]

At the request of the parent/guardian, the student may be excused from all or part of the dating violence education program.[1][7]

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Legal

- 1. 24 P.S. 1553
- 2. Pol. 218
- 3. Pol. 103
- 4. Pol. 103.1
- 5. 71 P.S. 611.13
- 6. Pol. 105.1
- 7. Pol. 105.2
- 22 PA Code 12.12
- 20 U.S.C. 1232g

252-Attach 1 Report Form.pdf (161 KB)



## Northgate School District

317.1

Book	Policy Manual
Section	300 Employees
Title	Educator Misconduct
Code	317.1 Vol IV 2020
Status	First Reading
Adopted	December 1, 2014

**Purpose**

The Board adopts this policy to promote the integrity of the education profession and to create a climate within district schools that fosters ethical conduct and practice.

**Authority**

The Board requires certificated district employees to comply with the Code of Professional Practice and Conduct and the requirements of the Educator Discipline Act.[1][2]

**Definitions**

**Educator** - shall mean a person who holds a certificate.[3]

**Certificate** - shall mean any Commonwealth of Pennsylvania certificate, commission, letter of eligibility or permit issued under the School Code.[3]

**Sexual Abuse or Exploitation** - shall mean any of the following:[4]

1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:
  - a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
  - b. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
  - c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
  - d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.
2. Any of the following offenses committed against a child: rape; statutory sexual assault; involuntary deviate sexual intercourse; sexual assault; institutional sexual assault; aggravated

indecent assault; indecent assault; indecent exposure; incest; prostitution; sexual abuse; unlawful contact with a minor; or sexual exploitation.

**Sexual Misconduct** - any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student, such acts include but are not limited to:[3]

1. Sexual or romantic invitation.
2. Dating or soliciting dates.
3. Engaging in sexualized or romantic dialog.
4. Making sexually suggestive comments.
5. Self-disclosure or physical disclosure of a sexual or erotic nature.
6. Any sexual, indecent, romantic or erotic contact with a child or student.

### **Delegation of Responsibility**

#### Duty to Report

The Superintendent or designee shall report to the Pennsylvania Department of Education on the required form, within fifteen (15) days of receipt of notice from an educator or discovery of the incident, any educator:[5]

1. Who has been provided with notice of intent to dismiss or remove for cause, notice of nonrenewal for cause, notice of removal from eligibility lists for cause, or notice of intent not to reemploy for cause.
2. Who has been arrested or indicted for, or convicted of any crime that is graded a misdemeanor or felony.
3. Against whom there are any allegations of sexual misconduct or sexual abuse or exploitation involving a child or student.
4. Where there is reasonable cause to suspect that s/he has caused physical injury to a child or student as the result of negligence or malice.
5. Who has resigned or retired or otherwise separated from employment after a school entity has received information of alleged misconduct under the Educator Discipline Act.
6. Who is the subject of a report filed by the school entity under 23 Pa. C.S. Ch. 63 (relating to child protective services).[6]
7. Who the school entity knows to have been named as a perpetrator of an indicated or founded report under 23 Pa. C.S. Ch. 63.

An educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Superintendent and his/her immediate supervisor, within fifteen (15) days of discovery of such misconduct.[5]

All reports submitted to the Pennsylvania Department of Education shall include an inventory of all information, including: documentary and physical evidence in possession or control of the school relating to the misconduct resulting in the report.[5]

An educator who is arrested or convicted of a crime shall report the arrest or conviction to the Superintendent or designee, within seventy-two (72) hours of the occurrence, in the manner prescribed in Board policy.[5][7][8]

Failure to comply with the reporting requirements may result in professional disciplinary action.[9]

## **Guidelines**

### Investigation

School officials shall cooperate with the Pennsylvania Department of Education during its review, investigation, or prosecution, and shall promptly provide the Pennsylvania Department of Education with any relevant information and documentary and physical evidence upon request.[10]

Upon receipt of notification in writing from the Pennsylvania Department of Education, the Superintendent or designee shall investigate the allegations of misconduct as directed by the Department and may pursue its own disciplinary procedure as established by law or by collective bargaining agreement.[10]

Within ninety (90) days of receipt of notification from the Pennsylvania Department of Education directing the school district to conduct an investigation (extensions may be requested), the Superintendent or designee shall report to the Department the outcome of its investigation and whether it will pursue local employment action. The Superintendent or designee may make a recommendation to the Department concerning discipline. If the district makes a recommendation concerning discipline, it shall notify the educator of such recommendation.[10]

## **Title IX Sexual Harassment and Other Discrimination**

**Whenever the allegations underlying a report of educator misconduct include conduct that appears to constitute harassment or other discrimination, including Title IX sexual harassment, subject to policies and procedures specific to such conduct, the Title IX Coordinator shall be promptly notified and shall respond to such allegations as provided in the applicable Board policies. Whenever an investigation by the district of educator misconduct reveals indications of conduct by any person that appears to constitute harassment or other discrimination, including Title IX sexual harassment, the Title IX Coordinator shall be promptly notified and shall respond to such allegations as provided in policies specific to such discrimination. To the extent feasible, investigations pursuant to discrimination policies shall be conducted jointly with investigations by the district of educator misconduct.[11][12]**

### Confidentiality Agreements

The district shall not enter into confidentiality or other agreements that interfere with the mandatory reporting requirement.[10]

### Confidentiality

Except as otherwise provided in the Educator Discipline Act, all information related to any complaint, any complainant, or any proceeding related to discipline **under the Educator Discipline Act** shall remain confidential unless or until public discipline is imposed.[13]

### Immunity

Any person who, in good faith, files a complaint or report, or who provides information or cooperates with the Pennsylvania Department of Education or Professional Standards and Practices Commission in an investigation or proceeding shall be immune from civil liability. The district also is immune from civil liability for the disclosure of information about the professional conduct of a former or current employee to a prospective employer of that employee.[14]

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Legal

1. 22 PA Code 235.1 et seq
2. 24 P.S. 2070.1a
3. 24 P.S. 2070.1b
4. 23 Pa. C.S.A. 6303
5. 24 P.S. 2070.9a
6. Pol. 806
7. 24 P.S. 111
8. Pol. 317
9. 24 P.S. 2070.9c
10. 24 P.S. 2070.11
11. Pol. 103
12. Pol. 104
13. 24 P.S. 2070.17b
14. 24 P.S. 2070.17a
- 23 Pa. C.S.A. 6301 et seq
- 24 P.S. 2070.1a et seq

## Northgate School District

626

Book	Policy Manual
Section	600 Finances
Title	Federal Fiscal Compliance
Code	626 Vol II 2020
Status	First Reading
Adopted	August 15, 2016

**Authority**

The Board shall ensure federal funds received by the district are administered in accordance with federal requirements, including but not limited to the federal Uniform Guidance. [1]

The Board shall review and approve all applications for federal funds submitted by the district.

**Delegation of Responsibility**

The Board designates the Federal Programs Coordinator as the district contact for all federal programs and funding.

The Superintendent or designee, in collaboration with the Federal Programs Coordinator and Business Manager, shall establish and maintain a sound financial management system to include internal controls and federal grant management standards covering the receipt of both direct and state-administered federal grants, and to track costs and expenditures of funds associated with grant awards. [1]

The Superintendent, to assist in the proper administration of federal funds and implementation of this policy, may approve additional procedures as attachments to this policy.

**Guidelines**

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

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

1. Identification – The district must identify, in its accounts, all federal awards received and expended, and the federal programs under which they were received.
2. Financial Reporting – Accurate, current, and complete disclosure of the financial results of each federal award or program must be made in accordance with the financial reporting requirements of the Education Department General Administrative Regulations (EDGAR).
3. Accounting Records – The district must maintain records which adequately identify the source and application of funds provided for federally-assisted activities.

4. Internal Controls – Effective control and accountability, **including segregation of duties**, must be maintained for all funds, real and personal property and other assets. The district must adequately safeguard all such property and must assure that it is used solely for authorized purposes.
5. Budget Control – Actual expenditures or outlays must be compared with budgeted amounts for each federal award. Procedures shall be developed to establish determination for allowability of costs for federal funds.
6. Cash Management – The district shall maintain written procedures to implement the cash management requirements found in EDGAR.
7. Allowability of Costs – The district shall ensure that allowability of all costs charged to each federal award is accurately determined and documented.

### Standards of Conduct

The district shall maintain standards of conduct covering conflicts of interest and the actions of employees and school officials engaged in the selection, award and administration of contracts.[2]  
[3]

All employees shall be informed of conduct that is required for federal fiscal compliance and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures.[4]

### Employees - Time and Effort Reporting

All district employees paid with federal funds shall document the time they expend in work performed in support of each federal program, in accordance with law. Time and effort reporting requirements do not apply to contracted individuals.[5]

District employees shall be reimbursed for travel costs incurred in the course of performing services related to official business as a federal grant recipient.[6]

The district shall establish and maintain employee policies **and procedures** on hiring, benefits and leave and outside activities, as approved by the Board. **District procedures on payment of staff shall apply to employees paid with federal funds and shall include payment in extenuating or emergency conditions, in accordance with applicable law, regulations or emergency declarations by state or federal authorities.**[7][8][9][10][11][12][13][14]

### Record Keeping

The district shall develop and maintain a Records Management Plan and related Board policy and administrative regulations for the retention, retrieval and disposition of manual and electronic records, including emails.[15][16]

The district shall ensure the proper maintenance of federal fiscal records documenting:[16][17][18]

1. Amount of federal funds.
2. How funds are used.
3. Total cost of each project.
4. Share of total cost of each project provided from other sources.
5. Other records to facilitate an effective audit.

6. Other records to show compliance with federal program requirements.
7. Significant project experiences and results.

All records must be retrievable and available for programmatic or financial audit.

The district shall provide the federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, the right of access to any documents, papers, or other district records which are pertinent to the federal award. The district shall also permit timely and reasonable access to the district's personnel for the purpose of interview and discussion related to such documents.[19]

Records shall be retained for a minimum of five (5) years from the date on which the final Financial Status Report is submitted, or as otherwise specified in the requirements of the federal award, unless a written extension is provided by the awarding agency, cognizant agency for audit, oversight agency for audit or cognizant agency for indirect costs.[20]

If any litigation, claim or audit is started before the expiration of the standard record retention period, the records shall be retained until all litigation, claims or audits have been resolved and final action taken.[20]

As part of the Records Management Plan, the district shall develop and maintain a records retention schedule, which shall delineate the record retention format, retention period and method of disposal.[16]

The Records Management Plan shall include identification of staff authorized to access records, appropriate training, and preservation measures to protect the integrity of records and data.[16]

The district shall ensure that all personally identifiable data protected by law or regulations is handled in accordance with the requirements of applicable law, regulations, Board policy and administrative regulations.[21][22][23]

#### Subrecipient Monitoring

In the event that the district awards subgrants, the district shall establish procedures to:[24]

1. Assess the risk of noncompliance.
2. Monitor grant subrecipients to ensure compliance with federal, state, and local laws and Board policy and procedures.
3. Ensure the district's record retention schedule addresses document retention on assessment and monitoring.[16]

#### Compliance Violations

Employees and contractors involved in federally funded programs and subrecipients shall be made aware that failure to comply with federal law, regulations or terms and conditions of a federal award may result in the federal awarding agency or pass-through entity imposing additional conditions or terminating the award in whole or in part.[25][26]

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## Legal

1. 2 CFR Part 200
2. Pol. 827
3. Pol. 828
4. Pol. 317
5. 2 CFR 200.430
6. Pol. 626.1
7. 24 P.S. 1153
8. Pol. 304
9. Pol. 319
10. Pol. 336
11. Pol. 337
12. Pol. 624
13. Pol. 805
14. Pol. 813
15. 2 CFR 200.333-200.337
16. Pol. 800
17. 34 CFR 75.730-75.732
18. 34 CFR 76.730-76.731
19. 2 CFR 200.336
20. 2 CFR 200.333
21. Pol. 113.4
22. Pol. 216
23. Pol. 324
24. 2 CFR 200.330-200.331
25. 2 CFR 200.338
26. 2 CFR 200.339
- Pol. 610
- Pol. 611
- Pol. 612
- Pol. 613
- Pol. 625

[626-Attach-Costs\\_Obligations\\_Property.doc \(58 KB\)](#)[626-Attach-AllowabilityofCosts.doc \(91 KB\)](#)[626-Attach-CashManagement.docx \(19 KB\)](#)[626-Attach-Procurement.doc \(106 KB\)](#)[626-Attach-SubrecipientMonitoring.doc \(56 KB\)](#)

### Northgate School District

Book	Policy Manual
Section	800 Operations
Title	Maintaining Professional Adult/Student Boundaries
Code	824 Vol IV 2020
Status	First Reading
Adopted	January 18, 2016

527

#### **Authority**

This policy applies to district employees, volunteers, student teachers, and independent contractors and their employees who interact with students or are present on school grounds. For purposes of this policy, such individuals are referred to collectively as **adults**. The term **adults** as used in this policy, does not include district students who perform services on a volunteer or compensated basis.

All adults shall be expected to maintain professional, moral and ethical relationships with district students that are conducive to an effective, safe learning environment. This policy addresses a range of behaviors that include not only obviously unlawful or improper interactions with students, but also precursor grooming and other boundary-blurring behaviors that can lead to more egregious misconduct.

The Board directs that all adults shall be informed of conduct that is prohibited and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures. [1]

This policy is not intended to interfere with appropriate pre-existing personal relationships between adults and students and their families that exist independently of the district or to interfere with participation in civic, religious or other outside organizations that include district students.

#### **Definition**

For purposes of this policy, **legitimate educational reasons** include matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student’s physical injury or other medical needs, school administration or other purposes within the scope of the adult’s **assigned** job duties.

#### **Delegation of Responsibility**

The Superintendent or designee shall annually inform students, parents/guardians, and all adults regarding the contents of this Board policy through employee and student handbooks, posting on the district website, and by other appropriate methods.

The building principal or designee shall be available to answer questions about behaviors or activities that may violate professional boundaries as defined in this policy.

Independent contractors doing business with the district shall ensure that their employees who have interaction with students or are present on school grounds are informed of the provisions of this policy.[2]

### **Guidelines**

Adults shall establish and maintain appropriate personal boundaries with students and not engage in any behavior that is prohibited by this policy or that creates the appearance of prohibited behavior.

#### Prohibited Conduct

##### *Romantic or Sexual Relationships -*

Adults shall be prohibited from dating, courting, or entering into or attempting to form a romantic or sexual relationship with any student enrolled in the district, regardless of the student's age. Students of any age are not legally capable of consenting to romantic or sexual interactions with adults.[3][4]

Prohibited romantic or sexual interaction involving students includes, but is not limited to:

1. Sexual physical contact.
2. Romantic flirtation, propositions, or sexual remarks.
3. Sexual slurs, leering, epithets, sexual or derogatory comments.
4. Personal comments about a student's body.
5. Sexual jokes, notes, stories, drawings, gestures or pictures.
6. Spreading sexual or romantic rumors.
7. Touching a student's body or clothes in a sexual or intimate way.
8. Accepting massages, or offering or giving massages other than in the course of injury care administered by an athletic trainer, coach, or health care provider.
9. Restricting a student's freedom of movement in a sexually intimidating or provocative manner.
10. Displaying or transmitting sexual objects, pictures, or depictions.

##### *Social Interactions -*

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

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

1. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students.
2. Exchanging notes, emails or other communications of a personal nature with a student.
3. Giving personal gifts, cards or letters to a student without written approval from the building principal.
4. Touching students without a legitimate educational reason. (Reasons could include the need for assistance when injured, a kindergartner having a toileting accident and requiring assistance, appropriate coaching instruction, or appropriate music instruction).
5. Singling out a particular student or students for personal attention or friendship beyond the ordinary professional adult-student relationship.

6. Taking a student out of class without a legitimate educational reason.
7. Being alone with a student behind closed doors without a legitimate educational reason.
8. Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason.
9. Sending or accompanying a student on personal errands.
10. Inviting a student to the adult's home.
11. Going to a student's home without a legitimate educational reason.
12. Taking a student on outings without prior notification to and approval from both the parent/guardian and the building principal.
13. Giving a student a ride alone in a vehicle in a nonemergency situation without prior notification to and approval from both the parent/guardian and the building principal.
14. Addressing students or permitting students to address adults with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.
15. Telling a student personal secrets or sharing personal secrets with a student.
16. For adults who are not guidance/counseling staff, psychologists, social workers or other adults with designated responsibilities to counsel students, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, the student should be referred to the appropriate school resource.
17. Furnishing alcohol, drugs or tobacco to a student or being present where any student is consuming these substances.
18. Engaging in harassing or discriminatory conduct prohibited by other district policies or by state or federal law and regulations.[5][6]

#### *Electronic Communications -*

For purposes of this policy, **electronic communication** shall mean a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant or pager. Electronic communications include, but are not limited to, emails, instant messages and communications made by means of an Internet website, including social media and other networking websites.

As with other forms of communication, when communicating electronically, adults shall maintain professional boundaries with students.

Electronic communication with students shall be for legitimate educational reasons only.

When available, district-provided email or other district-provided communication devices **or platforms** shall be used when communicating electronically with students. The use of district-provided email or other district-provided communication devices **or platforms** shall be in accordance with district policies and procedures.[7]

All electronic communications from coaches and advisors to team or club members shall be sent in a single communication to all participating team or club members, except for communications concerning an individual student's medical or academic privacy matters, in which case the communications will be copied to the building principal. In the case of sports teams under the direction of the Athletic Director, such medical or academic communications shall also be copied to the Athletic Director.

Adults shall not follow or accept requests for current students to be friends or connections on personal social networking sites and shall not create any networking site for communication with students other than those provided by the district for this purpose, without the prior written approval of the building principal.

### Exceptions

An emergency situation or a legitimate educational reason may justify deviation from **the rules regarding communication or methods for maintaining** professional boundaries set out in this policy. The adult shall be prepared to articulate the reason for any deviation from the requirements of this policy and must demonstrate that s/he has maintained an appropriate relationship with the student.

Under no circumstance will an educational or other reason justify deviation from the "Romantic and Sexual Relationships" section of this policy.

There will be circumstances where personal relationships develop between an adult and a student's family, e.g. when their children become friends. This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. Adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity.

It is understood that many adults are involved in various other roles in the community through nondistrict-related civic, religious, athletic, scouting or other organizations and programs whose participants may include district students. Such community involvement is commendable, and this policy is not intended to interfere with or restrict an adult's ability to serve in those roles; however, adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

### Reporting Inappropriate or Suspicious Conduct

Any person, including a student, who has concerns about or is uncomfortable with a relationship or interaction between an adult and a student, shall **promptly** notify the **building principal or Title IX Coordinator. Reports may be made using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form or by making a general report verbally or in writing. Upon receipt of a report, school staff shall promptly notify the building principal.**[5][8]

All district employees, independent contractors and volunteers who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy.[9][10]

An educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Superintendent, **Title IX Coordinator** and his/her immediate supervisor, **promptly, but not later than fifteen (15) days following** discovery of such misconduct.[5][8][11][12]

If the Superintendent or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Child Protective Services Law, the Educator Discipline Act or the Safe Schools Act, the Superintendent or designee shall make a report, in accordance with applicable law, regulations and Board policy.[9][10][11][12][13][14][15][16][17][18]

It is a violation of **Board** policy to retaliate against any person for reporting any action pursuant to this policy or for participating as a witness in any related investigation or hearing.[5][8]

### Investigation

**The Title IX Coordinator shall promptly assess and address** allegations of inappropriate conduct in accordance with the procedures for **reports of discrimination or Title IX sexual harassment.**[5][8]

It is understood that some reports made pursuant to this policy will be based on rumors or misunderstandings; the mere fact that the reported adult is cleared of any wrongdoing shall not result in disciplinary action against the **person making the report** or any witnesses. If as the result of an investigation any individual, including the reported adult, the **person making the report**, or a witness is found to have **knowingly** provided false information in making the report or during the investigation or hearings related to the report, or if any individual intentionally obstructs the investigation or hearings, this may be addressed as a violation of this policy and other applicable laws, regulations and **Board** policies. **Obstruction** includes, but is not limited to, violation of "no contact" orders given to the reported adult, attempting to alter or influence witness testimony, and destruction of or hiding evidence.[5][8][12][19][20][21][22]

#### Disciplinary Action

A district employee who violates this policy may be subject to disciplinary action, up to and including termination, in accordance with all applicable district disciplinary policies and procedures.[8][12][19]

A volunteer, student teacher, or independent contractor or an employee of an independent contractor who violates this policy may be prohibited from working or serving in district schools for an appropriate period of time or permanently, as determined by the Superintendent or designee.

#### Training

The district shall provide training with respect to the provisions of this policy to current and new district employees, volunteers and student teachers subject to this policy.

The district, at its sole discretion, may require independent contractors and their employees who interact with students or are present on school grounds to receive training on this policy and related procedures.

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## Legal

1. 24 P.S. 510
2. Pol. 818
3. 18 Pa. C.S.A. 3124.2
4. 24 P.S. 2070.9f
5. Pol. 103
6. Pol. 103.1
7. Pol. 815
8. Pol. 104
9. 23 Pa. C.S.A. 6311
10. Pol. 806
11. 24 P.S. 2070.9a
12. Pol. 317.1
13. 22 PA Code 10.2
14. 22 PA Code 10.21
15. 22 PA Code 10.22
16. 24 P.S. 1302.1-A
17. 24 P.S. 1303-A
18. Pol. 805.1
19. Pol. 317
20. Pol. 113.1
21. Pol. 218
22. Pol. 233
- 24 P.S. 2070.1a et seq
- 22 PA Code 235.1 et seq
- 23 Pa. C.S.A. 6301 et seq

## Northgate School District

903

Book	Policy Manual
Section	900 Community
Title	Copy of Public Participation in Board Meetings
Code	903
Status	Review
Adopted	September 15, 2008

**Purpose**

The Board recognizes the value to school governance of public comment on educational issues and the importance of involving members of the public in Board meetings. The Board also recognizes its responsibility for proper governance of the district and the need to conduct its business in an orderly and efficient manner.[1]

**Authority**

The Board shall establish guidelines to govern public participation in Board meetings necessary to conduct its meeting and to maintain order.[1]

In order to provide for the conduct of the business of the district in an orderly and efficient manner, the Board shall provide a reasonable period of time during each open meeting for any members of the public who are present at the meeting and who are residents of the district to address the Board on matters of concern, official action or deliberation before the Board prior to official action by the Board.[1]

**Comments on items of concern to the Board may be addressed during a comment period prior to the Items for Action portion of the meeting, if such items are included on the agenda, or at the conclusion of board business.** If the Board determines there is not sufficient time at a meeting for public comments, **at the conclusion of board business, that** comment period may be deferred to the next regular meeting or to a special meeting occurring before the next regular meeting.[1]

**Delegation of Responsibility**

The presiding officer at each public Board meeting shall follow Board policy for the conduct of public meetings. Where his/her ruling is disputed, it may be overruled by a majority of those Board members present and voting.[2]

**Guidelines**

Whenever issues identified by the participant are subject to remediation under policies and procedures of the Board, they shall be dealt with in accordance with those policies and procedures and the organizational structure of the district.

### Public Comment prior to the Items for Action

- **Time will be provided for public commentary, prior to the Items for Action portion of the meeting, if included on the agenda, for the public to address the board.**
- Each statement made by a participant shall be limited to a period of **three(3)** minutes. Participants who wish to address the Board on a specific issue shall be granted a **five (5)** minute time period, provided they notify the Board Secretary of their request and the issue to be discussed personally or in writing at least twenty-four (24) hours prior to the Board meeting.
- Participants shall rise and be recognized by the presiding officer. Participants shall be identified by name, address, and group affiliation if applicable, and proceed with comments. The presiding officer shall be responsible for the orderly conduct of the meeting and shall rule upon such meeting as to the appropriateness of the subject being presented and suitability of the time for such presentation.

### Public Comment at the conclusion of board business

- **Time may be provided for public commentary, following completion of board business. The board may limit the time provided for this commentary and may elect to defer this comment period until the next board meeting, at its discretion.**

**Any items unable to be presented can be addressed by:**

- **Submitting concern in writing.**
- **Speaking to Superintendent.**
- **Bringing up at a future meeting.**
- **Each statement made by a participant shall be limited to a period of three(3) minutes. Participants who wish to address the Board on a specific issue may be granted a five (5) minute time period, at the discretion of the board, provided they notify the Board Secretary of their request and the issue to be discussed personally or in writing at least twenty-four (24) hours prior to the Board meeting.**
- **Participants shall rise and be recognized by the presiding officer. Participants shall be identified by name, address, and group affiliation if applicable, and proceed with comments. The presiding officer shall be responsible for the orderly conduct of the meeting and shall rule as to the appropriateness of the subject being presented and suitability of the time for such presentation.**

No participant may speak more than once on the same topic **during either comment period and may not continue or repeat comments, on the same topic, introduced by that participant at the earlier comment period of the same meeting.**

**Participants during both comment periods are requested to not repeat the direct points of previous speakers, other than to summarily state support for the points. Only new points should be presented at length. The presiding officer may interrupt the speaker if the points discussed at length are comparable to past speaker's points.**

All statements shall be directed to the presiding officer; no participant may address or question Board members individually.

The presiding officer may:

1. Interrupt or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant.
2. Request any individual to leave the meeting when that person does not observe reasonable decorum.
3. Request the assistance of law enforcement officers to remove a disorderly person when his/her conduct interferes with the orderly progress of the meeting.
4. Call a recess or adjourn to another time when the lack of public decorum interferes with the orderly conduct of the meeting.
5. Waive these rules with the approval of the Board.

Electronic recording devices and cameras, in addition to those used as official recording devices, shall be permitted at public meetings under guidelines established by the Board.

No placards or banners will be permitted within the meeting room.

The meeting agenda and all pertinent documents shall be available to the press and public at the meetings.

#### Stacking of Time

The presiding officer will not recognize a person wishing to speak for more than the allotted time period as the result of other persons in attendance assigning their time to such spokespersons.  
**Participants may not stack time by rising as a group.**

The Board retains the right on a case-by-case basis to supersede this policy by permitting an individual to exceed the established time limitations.

- Legal
1. 65 Pa. C.S.A. 701 et seq
  2. Pol. 006

