

Saucon Valley School District
Academic and Personnel Committee
January 21, 2020 – 5 pm
District Office Conference Room

Welcome to the meeting of the Academic and Personnel Committee. Our objective is to serve the students, parents, and residents of our community. You are an important part of this meeting and we look forward to your questions and comments.

We are all here for the same reason. All opinions are welcomed and equally valuable. Our only request is that we address each other with civility and respect. Our courtesy toward each other is the best way to show our students how much we respect them as well.

**Committee Members - Susan Baxter, Cedric Dettmar, Tracy Magnotta,
Shamim Pakzad**

Committee Agenda

- I. **Call to the Order** – *Tracy Magnotta, Committee Chair*

- II. **Pledge of Allegiance**

- III. **Recording of Attendance** – *Tracy Magnotta, Committee Chair*

- IV. **Motion to Approve Agenda**

- V. **Approval of Minutes** – December 4, 2019

- VI. **Courtesy of the Floor to Visitors – Agenda Items Only** – *Visitors should state their name and address*

- VII. **Discussion**
 - A. High School Program of Studies
 - B. High School Physical Education
 - C. Draft Parent Right to Know
 - D. Policy Review:
 - Policy 103 – Nondiscrimination/Discriminatory Harassment – School and Classroom Practices
 - Policy 103.1 – Nondiscrimination – Qualified Students with Disabilities
 - Policy 104 – Nondiscrimination/Discriminatory Harassment – Employment Practices
 - Policy 323 – Tobacco Use – Administrative Employees
 - Policy 423 – Tobacco Use – Professional Employees
 - Policy 523 – Tobacco Use – Classified Employees

VIII. New Business

IX. Old Business

X. Citizen's Inquiries and Comments – *Visitors should state their name and address.*

XI. Announcements

Future Meetings ~

Wednesday, February 5, 2020

Tuesday, February 18, 2020

XII. Motion to Adjourn Meeting

The Saucon Valley School District does not discriminate on the basis of race, color, national origin, age, sex, or handicap.

**Academic and Personnel Committee of the Board
December 4, 2019 5pm, District Office**

Meeting called to order 5pm

Pledge of Allegiance

Attendance: Mr. Dettmar, Mrs. Baxter, Dr. Pakzad, Dr. Butler, Dr. Rosenberger, Mr. Karabin, Mr. Welch, Ms. Tamara Gary, Mr. James Deegan, Mrs. Cindy Motter, Mrs. Vlasaty

Agenda approved for the meeting this evening, 12/4/19 motion by Mrs. Baxter and second by Dr. Pakzad.

Minutes from the 11/19/19 meeting were approved – motion by Mrs. Baxter and second by Dr. Pakzad.

Courtesy of the Floor: None

Agenda:

- I. **School Climate Survey** – Dr. Butler provided the updated School Climate Survey that had been slightly revised from its previous edition by the State. Though some committee members expressed that they would have liked to make the survey more unique to Saucon Valley, they understand the value in gathering the data this survey will provide. The committee unanimously moved the student survey forward to the agenda for approval at the first Board Meeting in January, 2020.

New Business

Old Business – Discussion on upcoming high school Program of Studies to be discussed at the committee meeting in January: Bell schedule, electives with low numbers, possibilities for physical education. Additional discussion on student goal setting by building for the first semester in the areas of ELA and mathematics.

Meeting adjourned at 6:50pm (motion by Mrs. Baxter and second by Dr. Pakzad).

Saucon Valley School District

Policy

Title –

Section –

Adopted –

Revised –

Content

Purpose

The Board recognizes that regular, meaningful, and accurate communication with parents/guardians regarding student performance data is essential. A partnership ~~between~~ among parents, teachers, and school administration is imperative ~~as it pertains to the various entities~~ to maximize the benefits that students may receive from participation in the educational program of the district. ~~working together for the benefit of the student.~~

Definition

Student Performance Data – ~~for~~ For the purpose of this policy, student performance data shall refer to any source of information available to school officials pertaining to a ~~child's~~ student's performance, including, but not limited to, ~~Such information might include~~ local and state performance assessments, report cards, and teacher/student ~~devised~~ crafted goals and performance targets.

Routine Communication – ~~for~~ For the purpose of this policy, routine communication refers to communication occurring a minimum of once per quarter for each academic year.

Communication – ~~for~~ For the purpose of this policy, communication ~~would~~ includes reports, documents, in person communication, electronic communication, or any other means by which school officials would share information with parents/guardians.

Authority Guidelines

The Board ~~expects directs~~ the administration to ~~carry out the duty of communicating~~ communicate student performance data to ~~with~~ parents/guardians ~~on a regular basis~~ information pertaining to ~~when student performance data is available to release, and, at a minimum, no less than once each grading period.~~ student performance data.

~~At the beginning of each school year and at least once each grading period, the~~ The building administration will communicate to parents/guardians ~~set the math and reading/English language arts performance goals/ targets for each child student. in the testing area of math and reading/English language arts annually. Such goals/targets will be communicated to parents/guardians at the beginning of each school year and throughout the school year. Teachers, in collaboration with the student, will devise draft~~ such goals to be academically appropriate and challenging.

~~Furthermore, the~~ The building administration shall send the following reports home to parents/guardians when the reports are available for release: MAP performance data, PSSA and Keystone ~~data test results,~~ report cards, behavior reports (if applicable), and Future Ready Index Data, as well as any other local assessment data applicable to each ~~child's student's~~ performance and/or progress. Such reports and documents will include explanations that will facilitate ~~good~~ communication with the parent/guardian.

Nothing in this policy expands or limits the records subject to public access under the Pennsylvania Right to Know Law or private access under the Family Educational Rights and Privacy Act.

Delegation of Responsibility

The Superintendent or designee shall annually notify students, and parents/ guardians ~~about the board's policy regarding Parents Right to Know~~ about this policy via the school website and other posted notices.

The Superintendant or designee shall develop administrative procedures to implement this policy.

Saucon Valley School District

Policy

Title – 103 Nondiscrimination/Discriminatory Harassment – School and Classroom Practices

Section – Programs

Adopted – October 24, 2005

Revised – October 27, 2009

Content

The Board declares ~~it to be~~ the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless without discrimination on the basis of race, color, age, creed, religion, ~~gender~~ sex, sexual orientation, ancestry, national origin, ~~marital~~ familial status, pregnancy, or handicap/disability.

The district strives to maintain a safe, positive learning environment that is free from discrimination. Discrimination is inconsistent with the educational and programmatic goals of the district and is prohibited on school grounds, at school-sponsored activities, and on any district owned or operated conveyance providing transportation to or from a school entity or a school-sponsored activity.

The district shall provide to all students, without discrimination, course offerings, counseling, assistance, service, employment, athletics and extracurricular activities. The equitable distribution of district resources is one means the district shall use to ensure all students received a quality education. The district shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.

The Board encourages students and third parties who believe that they or others have been subject to discrimination to ~~promptly~~ report promptly such incidents to designated employees, even if some elements of the related incident took place away from school grounds, school activities, or district owned or operated conveyances.

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

Confidentiality of all parties witnesses, the allegations, the filing of a complaint, and the investigation shall be maintained, consistent with the district's legal and investigative obligations. Complaints and all investigative materials shall not be subject to access by the public.

Retaliation

The Board prohibits retaliation against any person for making a report of discrimination or participating in a related investigation or hearing, or for opposing practices the person reasonably believes to be discriminatory. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.

Definitions

Discriminatory harassment – harassment by students, employees, or third parties on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, familial status, pregnancy, handicap/disability, or for participation in reports or investigations of alleged discrimination is a form of discrimination and is subject to this policy. A person who is not an intended victim or target of such harassment but is adversely affected by the offensive conduct may file a report of discrimination on his/her own behalf.

~~No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.~~ For the purposes of this policy, harassment shall consist of unwelcome conduct such as graphic, written, electronic, verbal, or nonverbal acts including offensive jokes, slurs, epithets or name-calling, ridicule or mockery, insults, put-downs, offensive objects or pictures, physical assaults, threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance and which relates to an individual's or group's race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, familial status, pregnancy, or handicap/disability, 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 the district.

Sexual Harassment

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

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's status in any educational or other programs offered by a school; or
2. Submission to or rejection of such conduct is used as the basis for educational or other program decisions affecting a student; or
3. Such conduct deprives a student or group of individuals of educational aid, benefits, services, or treatment; or
4. Such conduct is sufficiently severe, persistent, or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance in school or school-related programs, or
5. Such conduct otherwise creates an intimidating, hostile, or offensive school or school-related environment such that it unreasonably interferes with the complainant's access to or participation in school or school-related programs.

Sexual violence means physical or sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. Sexual violence includes but is not limited to rape, sexual assault, sexual battery and sexual coercion. Federal law declares sexual violence to be a form of sexual harassment.

In order to maintain a program of nondiscrimination practices that ~~is in~~ ~~compliance~~ complies with applicable laws and regulations, the Board designates the Assistant Superintendent as the district's Compliance Officer. All nondiscrimination notices or information shall include the position, office address, telephone number, and email address of the Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees, and the public to provide notice of how to report complaints under this policy. ~~Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.~~

The Compliance Officer is responsible to ensure adequate nondiscrimination procedures are in place, to recommend new procedures, and to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provision of training for students and staff to prevent, identify, and alleviate problems of discrimination.
3. 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.
4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related matters.
5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.
6. Resources – Maintain and provide information to staff on resources available to alleged victims in addition to the school compliant procedure, such as making reports to the polices, assistance available from domestic violence or rape crisis programs, and community health resources, including counseling resources.
7. Complaints – Monitor and provide technical assistance to building principals or designees in processing complaints.

The building principal or designee shall be responsible to for promptly completing the following duties upon receipt when receiving a complaint of discrimination or retaliation under this policy:

1. Immediately notify the Compliance Officer of the complaint. The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer, or an attorney and shall promptly assign the investigation to that individual.
2. Inform the complainant about this policy, including the right to an investigation of both oral and written complaints of discrimination. ~~student or third party of the right to file a complaint and the complaint procedure.~~
3. Seek to obtain from parents/guardians consent to initiate an investigation when the complainant or alleged victim is under the age of eighteen (18). When a parent/guardian will not consent to the complainant and/or alleged victim's participation in an investigation, the Compliance Officer shall provide the parent/guardian with a letter containing information related to the district's legal obligations to conduct an investigation and address violations of this policy and any other information appropriate to the specific complaint.
4. Inform the complainant and/or the alleged victim and/or the accused (when the accused is a student) that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
5. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
6. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.
7. Provide relevant information on resources available in addition to the school complaint procedure, such as making reports to the police, assistance from domestic violence or rape crisis programs, and community health resources, including counseling.
8. After consideration of the allegations in the complaint and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant, the alleged victim, and others as necessary from violation of this policy during the course of the investigation.

Complaint Procedure – Student/Third Party

Step 1 – Reporting

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to ~~immediately~~ report immediately the incident to the building principal. Any person with knowledge of conduct that may violate this policy is encouraged to report immediately 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 and make any mandatory police or child protective services reports required by law.

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

The complainant or reporting employee is encouraged to use the report form available from the building principal or Compliance Officer, and/or to put the complaint in writing; however, but oral complaints shall be acceptable, documented, investigated, and handled no differently than a written complaint under this policy. The Compliance Officer, building principal, or other district employee who receives and/or is assigned to investigate the complaint shall inform the complainant of this policy and the investigative process, the right to confidentiality, and the potential right to file criminal charges. Both the person accepting the complaint and the person investigating the complaint shall handle the receipt of the complaint objectively, neutrally, and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

Step 2 – Investigation

The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

The Compliance Office shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination, this policy, and how to conduct investigations, including the need to keep the investigation confidential.

The investigator shall work with the Compliance Officer to assess the anticipated scope of the investigation, potential witnesses, and records to review.

The investigator shall conduct an adequate, reliable, and impartial investigation. The complainant, alleged victim, and the accused may suggest additional witnesses and provide evidence during the course of the investigation. When the complaint involves allegations relating to conduct that took place away from school property, school-sponsored activities, or school conveyances, the investigation may include an inquiry into whether the conduct alleged resulted in harassment in school settings and/or whether another district policy may have been violated.

The investigation may consist of individual interviews with the complainant, the alleged victim, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

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

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

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

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

~~The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.~~

Step 3 – Investigative Report

The ~~building principal~~ investigator shall prepare and submit a written report within ~~fifteen (15)~~ twenty (20) days of the initial report of alleged discrimination, unless additional time to complete the investigation is required due to the nature of the allegations, the anticipated extent of the investigation, or the availability of witnesses. All parties shall be notified of the anticipated date the investigative report will be complete and of any modifications of the due date.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for the determination, ~~and a determination of whether it is a violation of the~~ conduct alleged violated this policy, or any other laws or district policies and a recommended disposition of the complaint. The investigator shall consider the record as a whole in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation of this policy even when the separate incidents are not severe.

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

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

Step 4 – District Action

If the investigation results in a finding that some or all of the allegations of the complaint ~~is~~ are substantiated factual and constitutes a violation of this policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and does ~~and will~~ not recur and that no retaliation occurs.

The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of this policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of the investigation through disciplinary actions or the initiation of further investigations.

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

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding of ~~no violation of~~ made pursuant to the policy or with the ~~corrective action~~ recommended corrective action in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days. If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent
2. ~~The Compliance Officer~~ individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and property of the prior investigation.
3. ~~The Compliance Officer~~ individual handling the appeal shall prepare a written response to the appeal within ~~fifteen (15)~~ twenty (20) days. Copies of the response shall be provided to the complainant, the accused, and the ~~building principal investigator~~ investigator who conducted the initial investigation.

Equivalence Between Schools

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

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

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

- ~~1. Change in enrollment after the start of the school year.~~
- ~~2. Varying costs associated with providing services to students with disabilities.~~

- ~~3. Unexpected changes in personnel assignments occurring after the beginning of the school year.~~
- ~~4. Expenditures on language instruction education programs.~~
- ~~5. Other expenditures from supplemental state or local funds consistent with the intent of Title I.~~

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

~~Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with Policy 906 Public Complaints.~~

References

20 U.S.C. 1681 et seq.

22 PA Code 12.1

22 PA Code 12.4

22 PA Code 15.1 et seq.

22 PA Code 4.4

24 P.S. 1301

24 P.S. 1310

24 P.S. 1601-C et seq.

24 P.S. 5004

29 U.S.C. 794

42 U.S.C. 12101 et seq.

42 U.S.C. 1981 et seq.

42 U.S.C. 2000d et seq.

43 P.S. 951 et seq.

Pol. 216, 218, 234, 247, 249, 815, 806

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

29 CFR 1604.11

29 CFR 1606.8

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Office for Civil Rights - Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability (Oct. 26, 2010)

Office for Civil Rights - Resources for Addressing Racial Harassment

Office for Civil Rights - Revised Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties Title IX (January 2001)

18 Pa. C.S.A. 2709

20 U.S.C. 1232g

34 CFR Part 99

28 CFR Part 35

28 CFR Part 41

34 CFR Part 100

34 CFR Part 104

34 CFR Part 106

34 CFR Part 110

~~School Code—24 P.S. Sec 1310~~

~~State Board of Education Regulations—22 PA School Code Sec. 4.4, 12.1, 12.4, 14.101 et seq., 151 et seq.~~

~~Individuals with Disabilities Education Act—20 U.S.C. Sec 1400 et seq.~~

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

~~Americans with Disabilities Act—42 U.S.C. Sec. 12101 et seq.~~

~~Federal Anti-Discrimination and Civil Rights Laws—~~

~~20 U.S.C. Sec. 1681 et seq. (title IX)~~

~~29 U.S.C. Sec. 701 et seq.~~

~~42 U.S.C. Sec 2000d et seq. (Title VI)~~

~~Board Policy—906~~

**REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT
DISCRIMINATION/HARASSMENT AGAINST STUDENTS**

Complainant: _____

Home Address: _____

Home Phone: _____

School Building: _____

Date of Alleged Incident(s): _____

Alleged harassment was based on: (circle those that apply)

Race	Color	National Origin
Sex	Age	Sexual Orientation
Handicap/Disability	Religion	Pregnancy
Familial Status		
Race	Color	National Origin
Gender	Age	Disability
Religion	Sexual Orientation	

Name of person you believe violated the district's ~~unlawful harassment~~
nondiscrimination and harassment policy: _____

If the alleged discrimination or harassment was directed against another person, identify
the other person: _____

Describe the incident as clearly as possible, including what physical contact ~~force~~, if
any, was used; verbal statements (i.e. threats, requests, demands, etc.) were made;
and any incidents were recorded (notes, emails, texts, messages, social media post,
etc.) ~~what, if any, physical contact was involved~~. Attach additional pages if necessary:

When and where incident occurred: _____

List any witnesses who were present: _____

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

Complainant's Signature

Date

Received By

Date

Saucon Valley School District

Policy

Title – 103.1 Nondiscrimination – Qualified Students with Disabilities

Section – Programs

Adopted –

Revised –

Content

Authority

The Board declares it to be the policy of this district to ensure that all district programs and practices are free from discrimination against all qualified students with disabilities. The Board recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities.

The district shall provide to each qualified student with a disability enrolled in the district, without cost to the student or parent/guardian, a free and appropriate public education (FAPE). This includes provision of education and related aids, services, or accommodations which are needed to afford each qualified student with a disability equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities without discrimination, to the same extent as each student without a disability, consistent with federal and state laws and regulations.

The Board encourages students and parents/guardians who believe they have been subjected to discrimination or harassment to promptly report such incidents to designated employees.

The Board directs that complaints of discrimination or harassment shall be investigated promptly, and corrective or preventative action be taken for substantiated allegations.

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be maintained, consistent with the district's legal and investigative obligations.

Retaliation

The district shall not intimidate, threaten, coerce, discriminate or retaliate against any individual for the purpose of interfering with any right or privilege secured by this policy.

Definitions

Qualified student with a disability - a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the district's educational programs, nonacademic services or extracurricular activities.

Section 504 Team - a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors, psychologists, school nurses, outside care providers and the student's parents/guardians.

Section 504 Service Agreement (Service Agreement) - an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school's educational programs, nonacademic services, and extracurricular activities.

Disability harassment - intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school's educational programs, nonacademic services, or extracurricular activities.

Delegation of Responsibility

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

{ } Superintendent

{ } Assistant Superintendent

{ } Other _____ (specify)

as the district's Section 504 Coordinator.

In addition, each school within the district shall have a Section 504 building administrator.

The district shall publish and disseminate this policy and complaint procedure on or before the first day of each school year by posting it on the district's website, if available, and in the student handbook. The district shall notify parents/guardians of

students residing in the district of the district's responsibilities under applicable law and regulations, and that the district does not discriminate against qualified individuals with disabilities.

Guidelines

Identification and Evaluation

The district shall conduct an annual child find campaign to locate and identify every district student with a disability thought to be eligible for Section 504 services and protections. The district may combine this search with the district's IDEA child find efforts, in order to not duplicate efforts.

If a parent/guardian or the district has reason to believe that a student should be identified as a qualified student with a disability, should no longer be identified as a qualified student with a disability, or requires a change in or modification of the student's current Service Agreement, the parent/guardian or the district shall provide the other party with written notice.

The district shall establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need related services because of a disability.

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

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

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

Service Agreement

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

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

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

Educational Programs/Nonacademic Services/Extracurricular Activities

The district shall educate a qualified student with a disability with students who are not disabled to the maximum extent appropriate to the needs of the student with a disability. A qualified student with a disability shall be removed from the regular educational environment only when the district determines that educating the student in the regular educational environment with the use of related aids, services, or accommodations cannot be achieved satisfactorily. Placement in a setting other than the regular educational environment shall take into account the proximity of the alternative setting to the student's home.

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

Parental Involvement

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

Confidentiality of Student Records

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

Discipline

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

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance,

Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.

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

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

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

In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by qualified students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.

PROCEDURAL SAFEGUARDS

The district shall establish and implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student's parent/guardian, and a review procedure.

A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.

Parental Request for Assistance

Parents/Guardians may file a written request for assistance with the Pennsylvania Department of Education (PDE) if one (1) or both of the following apply:

1. The district is not providing the related aids, services and accommodations specified in the student's Service Agreement.
2. The district has failed to comply with the procedures and state regulations.

PDE shall investigate and respond to requests for assistance and, unless exceptional circumstances exist, shall, within sixty (60) calendar days of receipt of the request, send to the parents/guardians and district a written response to the request. The response to the parents'/guardians' request shall be in the parents'/guardians' native language or mode of communication.

Informal Conference

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

Formal Due Process Hearing

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

Judicial Appeals

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

COMPLAINT PROCEDURE

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

Step 1 – Reporting

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

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to

the Section 504 building administrator, as well as properly making any mandatory police or child protective services reports required by law.

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

The complainant or reporting employee may be encouraged to use the district's report form, available from the Section 504 building administrator or Section 504 Coordinator, or to put the complaint in writing; however, oral complaints shall be accepted, documented and the procedures of this policy implemented. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

Step 2 – Investigation

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

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

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

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

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

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

Step 3 – Investigative Report

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

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

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

Step 4 – District Action

If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of this policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district shall promptly take appropriate steps to prevent the recurrence of

the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Section 504 Coordinator shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

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

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

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, s/he may submit a written appeal to the district's Section 504 Coordinator within fifteen (15) days.
2. The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.
3. The Section 504 Coordinator shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

PSBA Revision 12/18 © 2018 PSBA

Legal

22 PA Code 12.1

22 PA Code 12.4

22 PA Code 15.1 et seq

22 PA Code 4.4

28 CFR Part 35

28 CFR Part 36

29 U.S.C. 794

34 CFR Part 104

42 U.S.C. 12101 et seq

Pol. 103

22 PA Code 15.2

42 U.S.C. 12102
22 PA Code 15.7
34 CFR 104.7
22 PA Code 15.4
34 CFR 104.32
Pol. 113
22 PA Code 15.5
22 PA Code 15.6
34 CFR 104.35
22 PA Code 15.3
34 CFR 104.34
34 CFR 104.37
Pol. 112
Pol. 122
Pol. 123
Pol. 810
22 PA Code 15.8
20 U.S.C. 1232g
22 PA Code 15.9
34 CFR Part 99
Pol. 216
Pol. 218
Pol. 233
22 PA Code 10.2
24 P.S. 1303-A
35 P.S. 780-102
22 PA Code 10.21
22 PA Code 10.22
22 PA Code 10.23
22 PA Code 10.25
24 P.S. 1302.1-A
Pol. 113.2
Pol. 218.1
Pol. 218.2
Pol. 222
Pol. 227
Pol. 805.1
22 PA Code 15.1
34 CFR 104.36
22 PA Code 14.162
Pol. 806
18 Pa. C.S.A. 2709
Pol. 815

Saucon Valley School District

Policy

Title – 104 Nondiscrimination/Discriminatory Harassment – Employment and Contract Practices

Section – Programs

Adopted – October 24, 2005

Revised –

Content

The Board declares ~~it to be~~ the policy of this district to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, ~~gender~~ sex, ~~marital~~ familial status, sexual orientation, ancestry, national origin, 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.

The Board encourages employees and third parties who believe that they or others have been subject to discrimination prohibited by this policy to ~~promptly~~ report promptly such incidents to designated employees.

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

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint, and the investigation shall be maintained, consistent with the district's legal and investigative obligations.

~~No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.~~

Retaliation

The Board prohibits retaliation against any person for making a report of discrimination or participating in a related investigation or hearing, or opposing practices the person reasonably believes to be discriminatory. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.

Definitions

Discriminatory Harassment – harassment by students, employees or third parties on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, familial status, genetic information, pregnancy or handicap/disability is a form of discrimination and is subject to this policy. A person who is not necessarily an intended victim or target of such harassment but is adversely affected by the offensive conduct may file a report of discrimination on his/her own behalf.

For purposes of this policy, harassment shall consist of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets or name-calling, ridicule or mockery, insults, put-downs, offensive objects or pictures, physical assaults, threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's work performance and which relates to an individual's or group's race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, familial status, genetic information, pregnancy or handicap/disability when such conduct is:

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

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

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or
2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or

3. Such conduct is sufficiently severe, persistent, or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions.

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that ~~is in compliance~~ complies with applicable laws and regulations, the Board designates the ~~Human Resources Manager~~ Superintendent (for professional employees) and Business Manager (for non-professional employees) as the district's Compliance Officers.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

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

1. Development and modification of position qualifications, job descriptions and essential job functions.
2. Recruitment materials and practices.
3. Procedures for screening, interviewing, and hiring.
4. Promotions and demotions.
5. District-designed performance evaluations.
6. Non-renewal of contracts.
7. Proposed ~~D~~disciplinary actions, up to and including terminations.

The Compliance Officer is responsible for the following additional procedures:

1. Training supervisors and staff to prevent, identify, and alleviate problems of employment discrimination.

2. Maintaining and providing information to staff on resources available to alleged victims in addition to the district complaint procedure, e.g., making reports to the police, obtaining assistance from domestic violence or rape crisis programs, and community health resources, including counseling.
3. Monitoring and providing technical assistance to building principals or designees in processing complaints.

The building principal or designee shall be responsible to complete promptly the following duties ~~when receiving a~~ upon receipt of a complaint of discrimination or retaliation against employees or third parties:

1. Immediately notify the Compliance Officer of the complaint. The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another employee, the Compliance Officer, or an attorney and shall promptly assign the investigation to that individual.
2. Inform the employee or third party about this policy including the right to an investigation of both oral and written complaints of discrimination. ~~of the right to file a complaint and the complaint procedure.~~
3. Provide relevant information on resources available in addition to the school complaint procedure such as making reports to the police, available assistance from domestic violence and rape crisis programs, and community health resources including counseling resources.
4. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
5. After consideration of the allegations and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and others as necessary from violation of this policy during the course of the investigation.
6. ~~Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.~~

Complaint Procedure – Employee/Third Party

Step 1 – Reporting

An employee or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to ~~immediately~~ report immediately the incident to the building principal or supervisor.

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

The complainant is encouraged to use the report form available from the building principal, supervisor, or Compliance Officer but oral complaints shall be ~~acceptable~~ accepted, documented, investigated, and handled no differently than a written complaint under this policy.

The Compliance Officer, building principal, or other district employee who receives and/or is assigned to investigate the complaint shall inform the complainant of this policy and the investigative process, the right to confidentiality, and the potential right to file criminal charges. Both the person accepting the complaint and the person investigating the complaint shall handle the receipt of the complaint objectively, neutrally, and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

Step 2 – Investigation

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

The Compliance Office shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination, this policy, and the proper procedures to conduct investigations, including the need to keep the investigation confidential.

The investigator shall work with the Compliance Officer to assess the anticipated scope of the investigation, potential witnesses, and records to review.

The investigator shall conduct an adequate, reliable, and impartial investigation. The complainant, alleged victim, and the accused may suggest additional witnesses and provide evidence during the course of the investigation. When the complaint involves allegations relating to conduct that took place away from school property, school-sponsored activities, or school conveyances, the investigation may include an inquiry into whether the conduct alleged resulted in harassment in school settings and/or whether another district policy may have been violated.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the ~~incident~~ allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The complainant, witnesses, parties, and parents/guardians shall be informed that retaliation

for anyone's participation in an investigation is strictly prohibited and that conduct believed to be retaliatory should be reported. All individuals providing statements shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

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

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

~~The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.~~

Step 3 – Investigative Report

The ~~building principal~~ investigator shall prepare and submit a written report to the Compliance Officer within ~~fifteen (15)~~ twenty (20) days of the report of alleged discrimination, unless additional time to complete the investigation is required, or the availability of witnesses. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this discrimination, a determination of whether the conduct violated this policy or any other district policy, ~~and whether it is a violation of this policy,~~ and a recommended disposition of the complaint.

An investigation into a complaint of conduct that violates this policy shall record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the accused shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written report. The accused shall not be notified of the individual remedies offered or provided to the complainant.

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

Step 4 – District Action

If the investigation results in a finding that some of all of the allegations in the complaint are substantiated ~~is factual~~ and constitutes a violation of this policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. ~~will not recur.~~

The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the work environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

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

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

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding ~~of no violation of~~ made pursuant to the this policy or with the recommended corrective action ~~recommended in the investigative report~~, s/he may submit a written appeal to the Compliance Officer within fifteen (15) calendar days If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.
2. ~~The Compliance Officer~~ individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and property of the prior investigation.

3. The ~~Compliance Officer~~ individual handling the appeal shall prepare a written response to the appeal within ~~fifteen (15)~~ twenty (20) days. Copies of the response shall be provided to the complainant, the accused, and the ~~building principal~~ investigator who conducted the initial investigation.

References

20 U.S.C. 1681 et seq

29 U.S.C. 206

29 U.S.C. 621 et seq

29 U.S.C. 794

42 U.S.C. 12101 et seq

42 U.S.C. 1981 et seq

42 U.S.C. 2000e et seq

42 U.S.C. 2000ff et seq

43 P.S. 336.3

43 P.S. 951 et seq

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

29 CFR 1604.11

29 CFR 1606.8

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

18 Pa. C.S.A. 2709

PA Code 44.1 et seq

28 CFR 35.140

28 CFR Part 41

29 CFR Parts 1600-1691

Pol. 317, 806, 815, 824

REPORT FORM FOR COMPLAINTS OF ~~UNLAWFUL~~ DISCRIMINATION/
HARASSMENT AGAINST DISTRICT EMPLOYEES AND THIRD PARTIES

Complainant: _____

Home Address: _____

Home Phone: _____

School Building: _____

Date of Alleged Incident(s): _____

Alleged harassment was based on: (circle those that apply)

Race	Color	National Origin
Sex	Age	Sexual Orientation
Handicap/Disability	Religion	Genetic Information
Pregnancy	Familial Status	
Race	Color	National Origin
Gender	Age	Disability
Religion	Sexual Orientation	

Name of person you believe violated the district's ~~unlawful~~ nondiscrimination and harassment policy: _____

If the alleged discrimination/harassment was directed against another person, identify the other person: _____

Describe the incident as clearly as possible, including what force, if any, was used; verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved. Attach additional pages if necessary: _____

When and where incident occurred: _____

List any witnesses who were present: _____

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

Complainant's Signature

Date

Received By

Date

Saucon Valley School District

Policy

Title – 323 Tobacco Use

Section – 300 Administrative Employees

Adopted – November 14, 2006

Revised – August 23, 2016

Content

Purpose

The Board recognizes that tobacco, nicotine, and nicotine delivery products use during school hours and on school property presents a health and safety hazard that can have serious consequences for the users and the nonusers and the safety and environment of the schools.

Definition

~~For purposes of this policy, tobacco use, sale, distribution or possession of tobacco in any form (including e-cigarettes, "vape", vaporizers, and/or look-alike products) by students, including students who are 19 years of age or older, while under the jurisdiction of the school is prohibited. This policy also prohibits any items that display, promote, or advertise tobacco use or products, including clothing, bags, personal items, and vaporizers or other delivery devices, whether or not those devices contain tobacco or nicotine. Tobacco is defined to include tobacco in any form, nicotine, and nicotine delivery devices. FDA approved nicotine replacement therapy products that are used to quit tobacco or smoking may be permitted upon prior approval of the school administrator.~~

For the purpose of this policy, tobacco includes a lighted or unlighted cigarette, cigar, cigarillo, little cigar, pipe, or other smoking product or material, and smokeless tobacco in any form including chewing tobacco, snuff, dip, or dissolvable tobacco pieces.

For the purpose of this policy, nicotine shall mean a product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling, or through other means.

For the purpose of this policy, a nicotine delivery product shall mean a product or device used, intended for use, or designed for the purpose of ingesting nicotine or another substance. This definition includes, but is not limited to, any device or associated product used for what is commonly referred to as vaping or juuling.

Authority

The Board prohibits the use of tobacco, nicotine and nicotine delivery products, use by administrative employees in a school buildings and on any property, buses, vans, and vehicles that are owned, leased, or controlled by the school district.

The Board also prohibits the use of tobacco, nicotine, and nicotine delivery products by district employees at school-sponsored activities that are held off school property

~~The district shall annually notify employees about the district's tobacco use policy by publishing such in handbooks, newsletters, posted notices, and other efficient methods.~~

~~Incidents of possession, use and sale of tobacco by any person on school property shall be reported to the Office of Safe Schools on the required form at least once each year.~~

Delegation of Responsibility

The Superintendent or designee shall notify employees about the Board's tobacco/nicotine policy by publishing information in handbooks, newsletters, posters, or other efficient methods such as posted notices, signs, and on the district website.

Guidelines

This policy does not prohibit the use of a patch, gum, or lozenge as a smoking cessation product by any employee who has a written order by a physician.

Reporting

The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco, nicotine, and nicotine delivery products on school property to the Office of Safe Schools on the required form.

Additional Provisions – Tobacco Only

The Superintendent or designee may report incidents involving the sale of tobacco to minors by employees on school property, at any school-sponsored activity, or on a conveyance providing transportation to or from 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 district's memorandum of understanding with local law enforcement and Board policies

35 P.S. 1223.5

20 U.S.C. 7183

24 P.S. 1302.1-A and 303-A

Pol. 805.1

18 Pa. C.S.A. 6305

22 PA Code 10.2 and 10.22

24 P.S. 1302.1-A

Saucon Valley School District

Policy

Title – 423 Tobacco Use

Section – 400 Professional Employees

Adopted – November 14, 2006

Revised – August 23, 2016

Content

Purpose

The Board recognizes that tobacco, nicotine, and nicotine delivery products use during school hours and on school property presents a health and safety hazard that can have serious consequences for the users and the nonusers and the safety and environment of the schools.

Definition

~~For purposes of this policy, tobacco use, sale, distribution or possession of tobacco in any form (including e-cigarettes, "vape", vaporizers, and/or look-alike products) by students, including students who are 19 years of age or older, while under the jurisdiction of the school is prohibited. This policy also prohibits any items that display, promote, or advertise tobacco use or products, including clothing, bags, personal items, and vaporizers or other delivery devices, whether or not those devices contain tobacco or nicotine. Tobacco is defined to include tobacco in any form, nicotine, and nicotine delivery devices. FDA approved nicotine replacement therapy products that are used to quit tobacco or smoking may be permitted upon prior approval of the school administrator.~~

For the purpose of this policy, tobacco includes a lighted or unlighted cigarette, cigar, cigarillo, little cigar, pipe, or other smoking product or material, and smokeless tobacco in any form including chewing tobacco, snuff, dip, or dissolvable tobacco pieces.

For the purpose of this policy, nicotine shall mean a product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling, or through other means.

For the purpose of this policy, a nicotine delivery product shall mean a product or device used, intended for use, or designed for the purpose of ingesting nicotine or another substance. This definition includes, but is not limited to, any device or associated product used for what is commonly referred to as vaping or juuling.

Authority

The Board prohibits the use of tobacco, nicotine and nicotine delivery products, use by administrative employees in a school buildings and on any property, buses, vans, and vehicles that are owned, leased, or controlled by the school district.

The Board also prohibits the use of tobacco, nicotine, and nicotine delivery products by district employees at school-sponsored activities that are held off school property

~~The district shall annually notify employees about the district's tobacco use policy by publishing such in handbooks, newsletters, posted notices, and other efficient methods.~~

~~Incidents of possession, use and sale of tobacco by any person on school property shall be reported to the Office of Safe Schools on the required form at least once each year.~~

Delegation of Responsibility

The Superintendent or designee shall notify employees about the Board's tobacco/nicotine policy by publishing information in handbooks, newsletters, posters, or other efficient methods such as posted notices, signs, and on the district website.

Guidelines

This policy does not prohibit the use of a patch, gum, or lozenge as a smoking cessation product by any employee who has a written order by a physician.

Reporting

The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco, nicotine, and nicotine delivery products on school property to the Office of Safe Schools on the required form.

Additional Provisions – Tobacco Only

The Superintendent or designee may report incidents involving the sale of tobacco to minors by employees on school property, at any school-sponsored activity, or on a conveyance providing transportation to or from 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 district's memorandum of understanding with local law enforcement and Board policies

35 P.S. 1223.5

20 U.S.C. 7183

24 P.S. 1302.1-A and 303-A

Pol. 805.1

18 Pa. C.S.A. 6305

22 PA Code 10.2 and 10.22

24 P.S. 1302.1-A

Saucon Valley School District

Policy

Title – 523 Tobacco Use

Section – 500 Classified Employees

Adopted – November 14, 2006

Revised – August 23, 2016

Content

Purpose

The Board recognizes that tobacco, nicotine, and nicotine delivery products use during school hours and on school property presents a health and safety hazard that can have serious consequences for the users and the nonusers and the safety and environment of the schools.

Definition

~~For purposes of this policy, tobacco use, sale, distribution or possession of tobacco in any form (including e-cigarettes, "vape", vaporizers, and/or look-alike products) by students, including students who are 19 years of age or older, while under the jurisdiction of the school is prohibited. This policy also prohibits any items that display, promote, or advertise tobacco use or products, including clothing, bags, personal items, and vaporizers or other delivery devices, whether or not those devices contain tobacco or nicotine. Tobacco is defined to include tobacco in any form, nicotine, and nicotine delivery devices. FDA approved nicotine replacement therapy products that are used to quit tobacco or smoking may be permitted upon prior approval of the school administrator.~~

For the purpose of this policy, tobacco includes a lighted or unlighted cigarette, cigar, cigarillo, little cigar, pipe, or other smoking product or material, and smokeless tobacco in any form including chewing tobacco, snuff, dip, or dissolvable tobacco pieces.

For the purpose of this policy, nicotine shall mean a product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling, or through other means.

For the purpose of this policy, a nicotine delivery product shall mean a product or device used, intended for use, or designed for the purpose of ingesting nicotine or another substance. This definition includes, but is not limited to, any device or associated product used for what is commonly referred to as vaping or juuling.

Authority

The Board prohibits the use of tobacco, nicotine and nicotine delivery products, use by administrative employees in a school buildings and on any property, buses, vans, and vehicles that are owned, leased, or controlled by the school district.

The Board also prohibits the use of tobacco, nicotine, and nicotine delivery products by district employees at school-sponsored activities that are held off school property

~~The district shall annually notify employees about the district's tobacco use policy by publishing such in handbooks, newsletters, posted notices, and other efficient methods.~~

~~Incidents of possession, use and sale of tobacco by any person on school property shall be reported to the Office of Safe Schools on the required form at least once each year.~~

Delegation of Responsibility

The Superintendent or designee shall notify employees about the Board's tobacco/nicotine policy by publishing information in handbooks, newsletters, posters, or other efficient methods such as posted notices, signs, and on the district website.

Guidelines

This policy does not prohibit the use of a patch, gum, or lozenge as a smoking cessation product by any employee who has a written order by a physician.

Reporting

The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco, nicotine, and nicotine delivery products on school property to the Office of Safe Schools on the required form.

Additional Provisions – Tobacco Only

The Superintendent or designee may report incidents involving the sale of tobacco to minors by employees on school property, at any school-sponsored activity, or on a conveyance providing transportation to or from 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 district's memorandum of understanding with local law enforcement and Board policies

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