



# CONEWAGO VALLEY SCHOOL DISTRICT

130 BERLIN ROAD  
NEW OXFORD, PENNSYLVANIA 17350

## BOARD OF SCHOOL DIRECTORS' MEETING – MARCH 13, 2023 AGENDA

**7:00 pm Study Session/Executive Session; Personnel, Confidential, Legal Information**

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1. Call to Order/Opening Exercises
2. Approval of minutes
3. Building reports
4. Student report
5. Assistant Superintendent report
6. Superintendent report
7. Public comment on agenda related items
8. [Honors/Recognitions](#)
9. Treasurer's report
10. Recommendations for Board action
  - a. [Finance](#)
  - b. [Ways & Means/Curriculum](#)
  - c. [Personnel](#)
  - d. [Property & Supplies/ Use of Facilities](#)
11. Other business which may properly come before the Board
12. Public comment on non-agenda items
13. [Dates to Remember](#)
14. Adjourn business meeting

- [Link for Live YouTube Streaming](#)
  - [Link for Public Comment](#)



# CONEWAGO VALLEY SCHOOL DISTRICT

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BOARD OF SCHOOL DIRECTORS' MEETING – MARCH 13, 2023

## AGENDA

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### ITEMS RECOMMENDED FOR ACTION:

#### FINANCE

1. **(Finance)** Recommend approval to pay the bills as listed, such list to include check and wire transfer numbers as listed in the total amount of:

**\$4,367,558.64**

Check #10008244 to Check #10008357

Wire #8000000355 to Wire #8000000365

Wires include credit card transactions

Ach #9000027752 to Ach #9000028752

from the Capital Reserve Account **\$51,958.56**

Check # 30000158 to Check #30000159

from the Cafeteria Account **\$86,964.37**

Check #50001110 to Check #50001130

and from the Construction Account Bond 2019: **\$750.00**

Check #45000509

for a total of **\$4,507,231.57**

2. **(Finance)** Recommend that PDE-2087 Monthly Reimbursement Voucher, School Lunch and Milk Program be accepted as a financial report on the operation and filed for audit.
3. **(Finance)** Recommend acceptance of the annual local audit for the 2021-2022 fiscal year as presented by Kochenour, Ernst, Smyser, & Burg, P.C.

#### ADDITIONAL FINANCE

4. **(Finance)** Recommend approval of First Capital Insulation, Inc. as the lowest bid of \$59,346.00 meeting the specification requirements for Asbestos Abatement at New Oxford High School.
5. **(Finance)** Recommend approval of Commercial Flooring Professionals, Inc., as the Co-Stars price not to exceed \$245,212.12 meeting the specification requirements for classroom flooring at New Oxford High School.
6. **(Finance)** Recommend approval of Commercial Flooring Professionals, Inc., as the Co-Stars price not to exceed \$224,914.00 meeting the specification requirements for classroom flooring at Conewago Valley Intermediate School.

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## WAYS & MEANS/CURRICULUM

1. *(Ways & Means/Curriculum)* Recommend approval of Sinengums Kamara from Sierra Leone as a foreign exchange student for the 2023-2024 school year. (Host parents: Christine Herbert)
2. *(Ways & Means/Curriculum)* Recommend adopting the update of the following Board Policies and attachments:

[Board Policy 103 - Discrimination/Title IX Sexual Harassment Affecting Students](#)

[Board Policy 103 - Attachment 4 - CVSD Confidentiality Template Letter](#)

[Board Policy 104 - Discrimination/Title IX Sexual Harassment Affecting Staff](#)

[Board Policy 916 - Volunteers](#)

3. *(Ways & Means/Curriculum)* Recommend approval of the additional professional development/conferences below for the 2022-2023 school year.

<b>PROFESSIONAL DEVELOPMENT REQUESTS</b>					
<b>2022-2023</b>					
<b>NAME</b>		<b>BUILDING</b>	<b>EVENT</b>	<b>DATE(S)</b>	<b>COST TO DISTRICT</b>
Kara	Olewiler	NOHS	PennSEL	4/20/23 - 4/21/23	\$280.00
Lynne	Miller	NOE	Skyward User Conference	4/20/2023	\$125.00
Stephanie	Corbin	District Office	Skyward User Conference	4/20/2023	\$125.00
Brad	Sterner	District Office	Federal Programs Coordinator Conference	4/16/23 - 4/19/23	\$1,127.00
Joshua	Schaffer	NOMS	School Scheduling Consult	3/7/23 - 3/7/23	\$0.00
Jackie	Goodyear	NOHS	FCCLA State Leadership Conference STAR Event	3/21/2023	\$140.00
Lori	Duncan	District Office	PASBO Business Manager Conference	3/14/23-3/17/23	\$650.00

4. ***(Ways & Means/Curriculum)*** Recommend approval of the additional field trips below for the 2022-2023 school year.

<b>MARCH FIELD TRIP REQUESTS 2022-2023</b>				
<b>NAME</b>	<b>GRADE</b>	<b>DATE</b>	<b>TITLE/PLACE</b>	<b>COST TO DISTRICT</b>
Monica Bajaj	9-12	4/19/2023	Deja Brew	\$0.00
Joe Connolly, Tyler Kline	9-12	4/28/2023	Kinsley Construction Career Day	\$190.00
Kara Olewiler	12	5/21/2023	Hershey Park	\$0.00
Elizabeth Kreider	7-12	4/12/2023	Mini Thon / Hershey Medical Center	\$140.00
Kerri Renoll, Maria Kann, Jennifer Englehardt	7-8	3/22/2023	NOMS Girls Group to Adams County SPCA	\$0.00
Stephanie Mueller	NOHS	3/17/23 - 3/18/23	Speech and Debate State Championships	\$140.00
Kristyn Cales	NOHS	3/2/2023	FFA County Speaking	\$0.00
Kristy Peterman	CVIS	5/3/2023	Camp Cares- Counselors to Lacrosse Game (Chris Bowman)	\$0.00

**ADDITIONAL WAYS & MEANS/CURRICULUM**

5. ***(Ways & Means/Curriculum)*** Recommend approval to pursue the applications for PDE Career and Technical Education Approved Programs for the following two (2) programs for the 2023-2024 school year:
- Agriculture, General
  - Education, General
6. ***(Ways & Means/Curriculum)*** Recommend approval of the Concurrent Enrollment Agreement between Conewago Valley School District and the University of Pittsburgh. The term of this agreement shall be from August 20, 2023 to June 1, 2026.

7. *(Ways & Means/Curriculum)* Recommend approval of the additional field trips below for the 2022-2023 school year.

<b>MARCH FIELD TRIP REQUESTS 2022-2023</b>				
<b>NAME</b>	<b>GRADE</b>	<b>DATE</b>	<b>TITLE/PLACE</b>	<b>COST TO DISTRICT</b>
Rick Jones	NOHS	3/10/2023	AWS Lehigh Valley Student Welding Competition	\$140.00
Meg Latshaw	NOHS	3/22/23 - 5/10/23	PAS Course / Gettysburg HACC	\$60.00

8. *(Ways & Means/Curriculum)* Recommend approval of the additional professional development/conferences below for the 2022-2023 school year.

<b>Professional Development Requests 2022-2023</b>				
<b>NAME</b>	<b>BUILDING</b>	<b>EVENT</b>	<b>DATE(S)</b>	<b>COST TO DISTRICT</b>
Erin	Lambert	NOE	WPS ADOS-2 Live Clinical Workshop: Philadelphia, PA (May 8-9, 2023)	\$1,090.00
Minerva	Medina	NOHS	Bilingual/Translator Training	\$280.00

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## PERSONNEL

1. **(Personnel)** Recommend acceptance of the resignation for the purpose of retirement of Dr. Lawrence Sanders, Principal at Conewago Valley Intermediate School, effective September 22, 2023.
2. **(Personnel)** Recommend acceptance of the resignation for the purpose of retirement of Ronnie Brown, Sr., head custodian at New Oxford Middle School, effective May 5, 2023.
3. **(Personnel)** Recommend acceptance for the resignation of David Tolar, learning support teacher and Conewago Valley Online Academy social studies teacher at New Oxford High School, effective April 14, 2023 or upon release from district.
4. **(Personnel)** Recommend acceptance for the resignation of Brandon Campbell, 22-23 high school musical/play stage crew chief at New Oxford High School, effective February 14, 2023.
5. **(Personnel)** Recommend acceptance for the resignation of Anne (Libby) Martin, LSS instructional aide at Conewago Valley Intermediate School, effective March 17, 2023.
6. **(Personnel)** Recommend approval of the transfer of Margaret (Meg) Fitzwater from instructional aide at New Oxford Middle School to secretary (Full-time 10 month) at the wage established in Addendum A\*(Range 1c), at New Oxford Middle School, retroactive to March 8, 2023.
7. **(Personnel)** Recommend employment of Mandy Bales as a Licensed Practical Nurse for Conewago Valley School District, (Category: Full-time 10 months) at the wage established in Addendum A\*(Range 5b), retroactive to March 6, 2023, pending having met all required Federal, State, and local hiring regulations.
8. **(Personnel)** Recommend employment of Elizabeth Swiger as a personal care aide at Conewago Township Elementary School, (Category: Full-time school-term ) at the wage established in Addendum A\*(Range 3a), effective March 15, 2023, pending having met all required Federal, State, and local hiring regulations.
9. **(Personnel)** Recommend approval of the attached list of day-to-day substitute teachers for the 2022-2023 school term, according to the resolutions and regulations stated in the applications, pending having met all required Federal, State, and local hiring regulations.

Aubryanna Tayman (retro 2/21/23)  
Justine James (retro 2/27/23)

Michael Mikesell (retro 2/21/23)

10. **(Personnel)** Recommend approval of the following volunteers, pending having met all Federal, State, and local regulations.

Billman, Lori A. (retro 3/1/2023)  
Kress, Sarah E.  
Storm, Gregory A.

Costello, Rachel  
Petrie, Peter J.  
Wildasin, Travis M.

Glass, Kara A.  
Shatto-Young, Patricia J.  
Williams, Amanda C.

## ADDITIONAL PERSONNEL

11. **(Personnel)** Recommend acceptance of the resignation for the purpose of retirement of Donna Smith, Secretary to the Assistant Superintendent, effective at the end of the day on April 19, 2023.
12. **(Personnel)** Recommend acceptance for the resignation of Nicole Biedenbach, personal care aide at New Oxford Elementary School, effective at the end of the day on March 20, 2023.
13. **(Personnel)** Recommend acceptance for the resignation of Macee Wagaman, instructional aide at New Oxford Elementary, effective March 6, 2023.
14. **(Personnel)** Recommend approval of Dr. Stephanie Mueller as the Conewago Valley Online Academy social studies teacher at New Oxford High School, effective no later than April 14, 2023.
15. **(Personnel)** Recommend approval of the transfer of Julie Sterner from LSS instructional aide at New Oxford High School to LSS instructional aide at New Oxford Middle School at the wage established in Addendum A\*(Range 3a), retroactive to March 7, 2023.
16. **(Personnel)** Recommend approval of a motion to appoint Mrs. Beth Farnham as a Board Member to fill the vacancy left by Mrs. Tara Bolton in Region 2. The appointment will be for the remainder of the term until December 2023.
17. **(Personnel)** Recommend approval of the attached list of day-to-day substitute support staff for the 2022-2023 school term, according to the resolutions and regulations stated in the applications, pending having met all required Federal, State, and local hiring regulations.

Denise Sponseller

18. **(Personnel)** Recommend approval of the attached list of day-to-day substitute teachers for the 2022-2023 school term, according to the resolutions and regulations stated in the applications, pending having met all required Federal, State, and local hiring regulations.

Amanda Jackson

Destiny Stephenson

19. **(Personnel)** Recommend approval of the following volunteers, pending having met all Federal, State, and local regulations.

Angleberger Jr., Joseph D.

Cook, Michelle E.

M.Ruth, Julia C.

Trostle, Dorothy J.

Baer, Lisamarie N.

Costello, Christopher R.

Siperko, China K.

Zeyn, Eugene J.

Brown, Christopher B.

Lesser-Clowney, Katheryn

Sponseller, Denise M.

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## **PROPERTY & SUPPLIES (USE OF FACILITIES)**

1. ***(Property & Supplies/ Use of Facilities)*** Recommend approval for New Oxford High School Football Team with Jason Warner as representative, to use the New Oxford High School Stadium from 7:00 am to 2:00 pm on June 10, 2023 for The Lineman's Challenge, with charges as listed in Board Policy #707, with the provision of proof of insurance as per Board Policy and for the services of custodians, security, cooks, and/or technical personnel as needed.
2. ***(Property & Supplies/ Use of Facilities)*** Recommend approval for New Oxford High School Football Team with Jason Warner as representative, to use the New Oxford High School Stadium and practice field from 6:00 am to 8:30 pm on July 10, 11, 12, 13, 2023 for Summer Camp (variety of local school coming each night to practice), with charges as listed in Board Policy #707, with the provision of proof of insurance as per Board Policy and for the services of custodians, security, cooks, and/or technical personnel as needed.

**New Oxford High School Football Team(Lineman's Challenge) - \$25.00 Utility Charge; \$35 per hour Custodial Charge. Total estimated charges = \$95.00.**

**New Oxford High School Football Team(Summer Camp) - \$25.00 Utility Charge. Total estimated charges = \$25.00.**

## **ADDITIONAL PROPERTY & SUPPLIES / USE OF FACILITIES**

3. ***(Property & Supplies/ Use of Facilities)*** Recommend approval for New Oxford Sr. Legion Baseball with Scott Anderson as representative, to use the New Oxford High School baseball field at 4:45 pm on Mondays, Wednesday, and Fridays (unless make up games are required) from May 24 - July 14, 2023 for York-Adams American Legion Baseball, with charges as listed in Board Policy #707, with the provision of proof of insurance as per Board Policy and for the services of custodians, security, cooks, and/or technical personnel as needed.

**New Oxford High Sr. Legion Baseball - \$25.00 Utility Charge. Total estimated charges = \$25.00.**

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## **DATES TO REMEMBER**

- **April 3, 2023**                      **Feasibility Study - Location TBD - 6:00 PM**
- **April 3, 2023**                      **Study Session - Location TBD - 7:00 PM**
- **April 10, 2023**                      **Board Meeting – District Office – 7:30 PM**
- **May 1, 2023**                         **Feasibility Study - Location TBD - 6:00 PM**
- **May 1, 2023**                         **Study Session - Location TBD - 7:00 PM**
- **May 8, 2023**                         **Board Meeting – District Office – 7:30 PM**
- **May 25, 2023**                       **Graduation**
- **May 26, 2023**                       **Last Day of School for Students and Teachers**
- **June 5, 2023**                        **Study Session - District Office - 7:00 PM**
- **June 12, 2023**                      **Board Meeting – District Office – 7:30 PM**
  
- **July 10, 2023**                       **Study/Board Meeting – District Office – 6:30/7:30 PM**
- **August 7, 2023**                      **Study Session - District Office - 7:00 PM**
- **August 14, 2023**                    **Board Meeting – District Office – 7:30 PM**
- **September 11, 2023**                **Study Session - District Office - 7:00 PM**
- **September 18, 2023**               **Board Meeting – District Office – 7:30 PM**
- **October 2, 2023**                     **Study Session - District Office - 7:00 PM**
- **October 9, 2023**                    **Board Meeting – District Office – 7:30 PM**
- **November 6, 2023**                 **Study Session - District Office - 7:00 PM**
- **November 13, 2023**               **Board Meeting – District Office – 7:30 PM**
- **December 4, 2023**                 **Reorganization Board Meeting-District Office-6:30 PM**

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# CONGRATULATIONS!

Congratulations to Aurora Contreras-Pinera who was selected as the New Oxford High School Rotary Student of the Month for February!

Congratulations to Allison Horick whose drawing was selected as next year's District birthday card!

## *College Acceptance and Scholarship Monies Awarded*

<i>First Name</i>	<i>Last Name</i>	<i>College Accepted To:</i>	<i>Scholarship \$ Awarded To Date</i>
			<i>\$1,456,000.00</i>
Logan	Kibler	Central Penn College	\$5,000.00
Naomi	Doll	Mount St. Mary's University	\$124,000.00
Naomi	Doll	Hollins University	\$116,000.00
Ehrin	Myers	Duquesne University	\$23,000.00
Ehrin	Myers	Messiah University	\$64,000.00
Ehrin	Myers	Lebanon Valley College	\$128,000.00
Carlos	Nunez	Shippensburg University	----
Sydney	Christner	Duquesne University	\$23,000.00
Katherine	Lavallee	Bloomsburg University	----
Elizabeth	Moore	University of Dayton	----
Logan	Kibler	Central Penn College	\$3,000.00
Katie	Lavallee	Stevenson University	\$84,000.00
Katie	Lavallee	York College	\$52,000.00
Scott	Myers	Millersville University	----
Caeley	Bair	York College	----
Ella	Billman	Ursinus College	\$160,000.00
Yacaranday	Bobadilla-Rico	Mount St. Mary's University	\$108,000.00
Yacaranday	Bobadilla-Rico	Millersville University	----
Yacaranday	Bobadilla-Rico	Susquehanna University	\$168,000.00
Valerie	Clabaugh	Saint Vincent College	\$102,000.00
Brady	Courville	Messiah University	----
Naomi	Doll	Messiah University	\$4,000.00
Naomi	Doll	Messiah University	\$64,000.00
Naomi	Doll	Ursinus College	----
Joey	Fuhrman	PA College of Technology	----
Jacob	Haugh	Millersville University	----
RyLee	Haugh	Clemson	----

RyLee	Haugh	Auburn University	----
RyLee	Haugh	Penn State	----
RyLee	Haugh	College of Charleston	\$44,000.00
RyLee	Haugh	University of Tennessee	\$24,000.00
Cameron	Herring	Widener University	\$140,000.00
Hannah	Keller	Shippensburg University	----
Cassidy	McNew	Millersville University	----
Lily	Myers	Kutztown University	\$8,000.00
Nataleigh	Roberts	Penn State	----
Benjamin	Weaver	Millersville University	\$12,000.00
RyLee	Haugh	University of Maryland	

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Book	Policy Manual
Section	100 Programs
Title	Draft of Discrimination/Title IX Sexual Harassment Affecting Students
Code	103
Status	Board Review
Adopted	November 13, 2017
Last Revised	January 11, 2021

### **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 included in each student and staff handbook, and that this policy and related attachments 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.

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][20][23][24]

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.[18][19][20][23]

#### Discipline/Placement of Student Convicted or Adjudicated of Sexual Assault

Upon notification of a conviction or adjudication of a student in this district for sexual assault against another student enrolled in this district, the district shall comply with the disciplinary or placement requirements established by state law and Board policy.[25][26]

#### 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.[27][28][29][30][31]

#### Retaliation

The Board prohibits retaliation by the district or any other person against any person for:[\[30\]](#)

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.[\[29\]](#)[\[32\]](#)

**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.[\[32\]](#)

**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:[\[32\]](#)

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Mutual restrictions on contact between the parties.
5. Changes in work locations.

6. Administrative leave and attendance accommodations.
7. Increased security.
8. Monitoring of certain areas of the school and/or district campus.
9. Assistance from domestic violence or rape crisis programs.
10. Assistance from community health resources including counseling resources.

**Supportive measures** may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Board policy.[17][18][23][24][33]

**Title IX sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:[32]

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:[34]
    - 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.[34]
  - 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.[35]
  - 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:[34]
    - 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.[28][29][32]

### **Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates Dr. **Brad Sterner**~~Robert Walker~~ as the District's

Compliance Officer and Title IX Coordinator (Students). The Compliance Officer/Title IX Coordinator (Students) can be contacted at:[\[36\]](#)

Address: Conewago Valley School District Office, 130 Berlin Road, New Oxford, PA 17350

Email: [sternerwalkerr@cvcolonials.org](mailto:sternerwalkerr@cvcolonials.org)

Phone Number: 717-624-2157 Ext. 1005

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.[\[37\]](#)
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][38]

## 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.

## 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. Pol. 218.3

26. 24 P.S. 1318.1  
27. 20 U.S.C. 1232g  
28. 34 CFR 106.44  
29. 34 CFR 106.45  
30. 34 CFR 106.71  
31. 34 CFR Part 99  
32. 34 CFR 106.30  
33. Pol. 113  
34. 34 U.S.C. 12291  
35. 20 U.S.C. 1092  
36. 34 CFR 106.8  
37. Pol. 150  
38. 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

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**CONEWAGO VALLEY  
SCHOOL DISTRICT**

*Pioneers in Educational Excellence*

ADDRESSED TO: **Alleged Victim's Parents/Guardians**

RE: Report of discrimination made on [DATE] on behalf of [STUDENT]

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

On [DATE] you met with [NAME OF: BUILDING PRINCIPAL, COMPLIANCE OFFICER, TITLE IX COORDINATOR] to discuss an alleged violation of Conewago Valley School District's Policy No. 103, prohibiting Title IX sexual harassment and other discrimination affecting students. The allegations involved **[VERY BRIEF DESCRIPTION OF INCIDENT OR GENERAL INCIDENTS WITHOUT NAMING NAMES, e.g. that a fellow student reported a teacher in the high school inappropriately texted your child suggesting they have dinner together; that your student reported a classmate in math class has been touching their thigh every day and talking about how cute they are, making them uncomfortable; that a custodian reported hearing an identified group of students use racial slurs against your child; that your child reported to you that a teacher criticized your family's religion as being terroristic, etc.]**.

In this discussion, you stated that you wish to maintain confidentiality and do not consent to [STUDENT'S] participation in an investigation. Because the district has a legal obligation to address potential violations of Policy 103, the district will conduct an investigation and maintain confidentiality to the extent this is consistent with the district's obligations to address and prevent violations of this policy. Any violations of policy which may be uncovered through this investigation will be addressed. The Conewago Valley School District prohibits retaliation against any individual who has made a complaint, and alleged victims or individuals who participate in related investigations. If at any time you wish to withdraw your request for confidentiality and have your child participate in the investigation, please notify me immediately. If at any time your child believes there have been additional violations of Policy 103, including any retaliatory behavior, please contact me at your earliest convenience to permit the district to properly address such matters. This will be treated as a new complaint with a new opportunity to determine your child's participation.

Feel free to contact me with any questions. My contact information is:

Email: [sternerb@cvc colonials.org](mailto:sternerb@cvc colonials.org)  
Phone: 717-624-2157, ext. 1005  
mail: Dr. Brad Sterner, Title IX Coordinator(Students)  
Conewago Valley School District  
130 Berlin Road  
New Oxford, PA 17350

Sincerely,

\_\_\_\_\_  
Dr. Brad Sterner  
Title IX Coordinator (Students)

## Board Policy 104

Book	Policy Manual
Section	100 Programs
Title	Draft of Discrimination/Title IX Sexual Harassment Affecting Staff
Code	104
Status	Board Review
Adopted	November 13, 2017
Last Revised	September 21, 2020

### **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 included in each student and staff handbook, and that this policy and related attachments 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. Mutual restrictions on contact between the parties.
5. Changes in work locations.
6. Leaves of absence.
7. Increased security.
8. Monitoring of certain areas of the school and/or district campus.
9. Assistance from domestic violence or rape crisis programs.
10. 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 Dr. **Brad Sterner**~~Robert Walker~~ as the district's Compliance Officer and Title IX Coordinator (Students) and Mr. Joshua Lovejoy as the district's Title IX Coordinator (Employees).[\[21\]](#)

The Compliance Officer/Title IX Coordinator (Students) can be contacted at:

Address: Conewago Valley School District Office  
130 Berlin Road, New Oxford, PA 17350  
Email: [sternerbwalkerr@cvcolonials.org](mailto:sternerbwalkerr@cvcolonials.org)  
Phone Number: 717-624-2157 Ext. 1005

The Title IX Coordinator (Employees) can be contacted at:

Address: Conewago Valley School District Office  
130 Berlin Road, New Oxford, PA 17350  
Email: [lovejoyj@cvcolonials.org](mailto:lovejoyj@cvcolonials.org)  
Phone Number: 717-624-2157 Ext. 1006

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 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. 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.

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

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## Board Policy 916

Book	Policy Manual
Section	900 Community
Title	Volunteers
Code	916 Update
Status	Board Review
Adopted	March 9, 2020

### **Purpose**

The Board supports and encourages the participation of parents/guardians and community residents to enhance the educational, co-curricular and extracurricular programs of the district.

### **Authority**

The Board may adopt and enforce reasonable rules and regulations governing volunteers and their participation in the activities of the district. [\[1\]](#)

**The Board prohibits discrimination on the basis of race, color, marital status, creed, religion, ancestry, handicap/disability, age, sex, sexual orientation or national origin in the school environment and all district programs for volunteers.** [\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)

The Board directs that all volunteers 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. [\[1\]](#)

All volunteers shall be expected to maintain professional, moral and ethical relationships with district students that are conducive to an effective, safe learning environment. [\[7\]](#)

### **Definitions**

The following words and phrases, when used in this policy, shall have the meaning given to them in this section:

**Adult** - an individual eighteen (18) years of age or older. [\[8\]](#)

**Certifications** - refers to the child abuse history clearance statement; the state criminal history background check; and where applicable, the federal criminal history background check, required by the Child Protective Services Law. [\[9\]](#)[\[10\]](#)

**Direct volunteer contact** - the care, supervision, guidance or control of children and routine interaction with children. [\[8\]](#)

**Person responsible for the child's welfare** - a person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. [\[8\]](#)

**Routine interaction** - regular and repeated contact that is integral to a person's volunteer responsibilities. [\[8\]](#)

**Visitor** - a parent/guardian, adult resident, educator, official or other individual who is not a school employee or independent contractor, and who visits a school or attends or participates in an event or activity at a school, but whose role is less substantial than would be sufficient to meet the definition of volunteer for purposes of this policy. [\[11\]](#)

**Volunteer** – an adult, whose role is more than that of a visitor, who voluntarily offers a service to the district without receiving compensation from the district. A volunteer is not a school employee. [\[10\]](#)

The two (2) classifications of volunteers are:

1. **Position Volunteer** - an adult applying for or holding an unpaid position with a school or a program, activity or service, as a person responsible for the child's welfare or having direct volunteer contact with children. Examples include, but are not limited to, field trip chaperones, tutors, coaches, activity advisor, recess or library aides, etc.
2. **Guest Volunteer** - an adult who voluntarily provides a service to the district, without compensation, who: (1) works directly under the supervision and direction of a school administrator, a teacher or other member of the school staff; and (2) does not have direct volunteer contact. Examples include, but are not limited to, volunteering to assist in classroom celebrations, school assemblies, or school concerts; reading to students; collecting tickets at sporting events; working concession stands; participating in "Career Day," etc.

### **Delegation of Responsibility**

The Superintendent or designee shall be responsible for the selection and management of volunteers and for ensuring compliance with Board policies, administrative regulations, rules and procedures.

At the discretion of the Superintendent or designee, a volunteer's service may be discontinued at any time.

The Superintendent or designee shall develop administrative regulations to implement this policy and manage the selection, use and supervision of volunteers.

### **Guidelines**

Each prospective position volunteer shall complete and submit a volunteer application.

The names of all position volunteers shall be submitted for approval by the

Board.

Superintendent or designee.

The names of all guest volunteers shall be submitted for approval by the building principal or designee.

Upon approval, volunteers shall be placed on the list of approved volunteers.

Approval shall be required prior to beginning service as a volunteer.

### **Certifications**

Prior to approval, all position volunteers shall submit the following information:

1. PA Child Abuse History Certification - which must be less than sixty (60) months old. [\[10\]](#)
2. PA State Police Criminal History Record Information - which must be less than sixty (60) months old. [\[10\]](#)
3. Disclosure Statement for Volunteers - which is a statement swearing or affirming the applicant has not been disqualified from service by reason of conviction of designated criminal offenses or being listed as the perpetrator in a founded report of child abuse. [\[9\]](#)[\[10\]](#)[\[12\]](#)

If a position volunteer has not been a resident of Pennsylvania during the entirety of the previous ten (10) year period, the position volunteer must also submit the following information: [\[10\]](#)

1. Federal Criminal History Report - issued at any time since the volunteer established residency.

The Superintendent or designee shall review the information and determine if information is disclosed that precludes service as a volunteer.

Information submitted by volunteers in accordance with this policy shall be maintained centrally in a manner similar to that used for school employees.

Position volunteers shall obtain and submit new certifications every sixty (60) months. [\[13\]](#)

A student, eighteen (18) years of age or older, who is volunteering for an event or activity sponsored by the school in which the student is enrolled and occurring on the school's grounds, shall not be required to submit certifications except when the event or activity is for children in the care of a child-care service or the student will otherwise be responsible for the welfare of a child. [\[10\]](#)

#### Tuberculosis Test

Prior to participating in student activities, volunteers shall undergo a test for tuberculosis, when required by and in accordance with the regulations and guidance of the Pennsylvania Department of Health. [\[14\]](#)[\[15\]](#)

#### Arrest or Conviction Reporting Requirements

Position volunteers shall report to the Superintendent or designee, in writing, within seventy-two (72) hours, an arrest or conviction required to be reported by law or notification that the volunteer has been named as a perpetrator in a founded or indicated report pursuant to the Child Protective Services Law. [\[12\]](#)

The Superintendent or designee shall immediately require a position volunteer to submit new certifications if the Superintendent or designee has a reasonable belief that the volunteer was arrested for or has been convicted of an offense required to be reported by law, was named as a perpetrator in a founded or indicated report, or has provided written notice of such occurrence. [\[12\]](#)

Failure to accurately report such occurrences may subject the position volunteer to disciplinary action up to and including denial of volunteer service and criminal prosecution. [\[12\]](#)

#### Child Abuse Reporting

All volunteers who have reasonable cause to suspect that a child is the victim of child abuse shall make a report of suspected child abuse in accordance with applicable law, Board policy and administrative regulations. [\[16\]](#)[\[17\]](#)

#### Supervision

Each volunteer shall be under the supervision of a designated school administrator, teacher or other member of the school staff.

#### Training

Volunteers shall attend orientation and training sessions, as appropriate to the nature of their volunteer service. When training is provided for school employees relating to the legal obligations of employers and educational institutions, consideration shall be given to which volunteers should also receive that training. [\[17\]](#)[\[18\]](#)[\[19\]](#)[\[20\]](#)[\[21\]](#)

#### Confidentiality

No volunteer shall be permitted access to confidential student information unless the supervisor has determined that such access is necessary for the volunteer to fulfill **their** responsibilities. Volunteers with access to confidential student information shall maintain the confidentiality of that information in accordance with district policies and procedures and applicable law. If a volunteer has questions about confidentiality of student information, the volunteer should consult with the building principal. [\[22\]](#)[\[23\]](#)

{ **X** } Liability Insurance

The district **may** **shall** provide liability insurance coverage for volunteers appropriate to the nature of their roles and the risk management needs of the district.

Reimbursement for Expenses

Volunteers may be reimbursed for expenses incurred in the course of their volunteer service only when authorized in advance by the Superintendent or designee.

Acknowledgement

Each volunteer shall affirm in writing that **they** have been provided with a copy of, have read, understand and agree to comply with this policy.

Legal

1. 24 P.S. 510
2. 42 U.S.C. 12101 et seq
3. 53 P.S. 6926.1903
4. 43 P.S. 951 et seq
5. Pol. 103
6. Pol. 718
7. Pol. 824
8. 23 Pa. C.S.A. 6303
9. 23 Pa. C.S.A. 6344
10. 23 Pa. C.S.A. 6344.2
11. Pol. 907
12. 23 Pa. C.S.A. 6344.3
13. 23 Pa. C.S.A. 6344.4
14. 24 P.S. 1418
15. 28 PA Code 23.44
16. 23 Pa. C.S.A. 6311
17. Pol. 806
18. Pol. 123
19. Pol. 123.1
20. Pol. 123.2
21. Pol. 805
22. Pol. 113.4
23. Pol. 216
24. 53 P.S. 6926.1901 et seq
25. 53 P.S. 6926.1906
26. Pol. 916
27. 29 U.S.C. 201 et seq
28. 43 P.S. 333.101 et seq
29. 53 P.S. 6926.1905
- 23 Pa. C.S.A. 6301 et seq
- 53 P.S. 6926.301 et seq
- 72 P.S. 7301 et seq
- Pol. 606