



UPPER ST CLAIR SCHOOL DISTRICT

BOARD OF SCHOOL DIRECTORS

Mrs. Barbara L. Bolas, President • Mr. Patrick A. Hewitt, Vice President • Mrs. Amy L. Billerbeck •
Mrs. Jennifer L. Bowen • Mr. Phillip J. Elias • Dr. Daphna Gans • Mr. Louis P. Mafrice, Jr. •
Mrs. Angela B. Petersen • Mrs. Jennifer A. Schnore •
Dr. John T. Rozzo, Superintendent • Mrs. Jocelyn P. Kramer, Solicitor

SCHOOL BOARD MEETING MINUTES

Tuesday, September 29, 2020 @ 7:00pm

Executive Session @ 6:00pm (Personnel, Legal Matters and Safety & Security)

Executive Session immediately following the Board Meeting (Personnel)

District Administration Building Board Room

Notice having been advertised and posted and members duly notified, a Board meeting of the Board of School Directors was held on September 29, 2020 in the District Administration Board Room.

School Board Members in Attendance:

Mrs. Barbara Bolas, President (in-person)
Mr. Patrick Hewitt, Vice President (in-person)
Mrs. Amy Billerbeck (virtual)
Mrs. Jennifer L. Bowen (in-person)
Mr. Phillip J. Elias (in-person)
Dr. Daphna Gans (virtual)
Mr. Louis P. Mafrice Jr. (in-person)
Mrs. Angela Petersen (in-person)
Mrs. Jennifer Schnore (virtual)

School Personnel in Attendance:

Dr. John T. Rozzo, Superintendent (in-person)
Dr. Sharon K. Suritsky, Assistant/Deputy Superintendent (virtual)
Mrs. Amy Pfender, Assistant to the Superintendent (in-person)
Mr. Ray Carson, Senior Director of Operations & Administrative Services (in-person)
Mr. Scott Burchill, Director of Business & Finance (virtual)
Dr. Lou Angelo, Director of Facilities and Operations (virtual)
Mr. Raymond Berrott, Director of Technology (in-person)
Dr. Judith Bulazo, Director of Curriculum and Development (virtual)

Mrs. Cassandra Doggrell, Director of Student Support Services (virtual)
Mrs. Lauren Madia, Assistant Director of Student Support Services (virtual)
Mr. Bradley Wilson, Director of Strategic Initiatives (virtual)
Mrs. Jocelyn Kramer, Solicitor (in-person)
Mrs. Sarah MacDonald, Board Stenographer (virtual)

Call to Order / Pledge of Allegiance (Bolas, School Board President)

Mrs. Bolas called the Meeting to order at approximately 7:16pm.

Meeting Procedures (Kramer, Solicitor)

Mrs. Kramer reviewed the meeting procedures for the Board Meeting, including giving directions for resident's public comments and detailing mask requirements.

Reading of the Mission:

Mr. Hewitt read the following Mission:



Developing lifelong learners and responsible citizens for a global society is the mission of the Upper St. Clair School District, served by a responsive and innovative staff who in partnership with the community provides learning experiences that nurture the uniqueness of each child and promotes happiness and success.

Reading of the Shared Belief Statement #7 from Strategic Plan:

Mr. Elias read the following Shared Belief Statement #7:

We Believe that:

A School District, Staff, Students, Parents, and Community benefit from an attitude of continuous progress and consistent practices of exploration, forward thinking, and openness to change.

Resident's Comments - (Regarding Agenda Items Only)

Link to Online Form

Note: As per Guidelines for Resident's Comments, please state your name and address and limit your comments to three minutes. Social distancing and mask guidelines will also be adhered to during Resident's Comments. In light of continued health and safety concerns, the Board will offer an additional option for submitting Residents' Comments via online form (link above) or by phone in advance of the meeting. You can submit a comment via phone by contacting the Board Stenographer at 412-833-1600 x2218 by Tuesday, September 29, 2020 any time before 2pm.

Comments submitted in advance regarding agenda items will be shared with the Board prior to the meeting and summarized at this time.

During this time, three residents gave public comments.

Approval of Agenda

(Bolas, School Board President)

MOTION: By Mafrice: I move that the Board approve the Agenda, as presented.
Seconded by Schnore and carried by unanimous voice vote

Report from Student Board Representatives

Karsen Damon & R.J. Shontz

(Rozzo, Superintendent of Schools)

Karsen and R.J. both gave student updates to the Board.

Karsen thanked everyone and gave updates on the Art's programs, including choir and band. She noted that choir and band practice has been held outside and it has been wonderful to be able to practice outside. She also gave updates on Chanteclairs, Madrigal Dinner, Thespian Club, Freshman Rush, Homecoming and Senior Breakfast.

R.J. updated the Board on Athletics, including Soccer, Golf, Tennis, Field Hockey, Cross Country and Volleyball. He also reported on USCSD.tv, the Semi-Finalists for National Merit Scholarship, AP Scholars and the Natural Helpers Survey. He thanked the Board for the opportunity to give updates during the Meeting.

The Board thanked R.J. and Karsen; Mrs. Bowen asked questions regarding the Natural Helpers Survey and Mrs. Schnore noted that all of the students who have been helping to distribute meals are doing an amazing job and working hard.

Approval of Minutes

(Bolas, School Board President)

MOTION: By Schnore: I move that the Board approve the Meeting Minutes of the August 17, 2020 and September 14, 2020 Board Meetings, subject to final approval by the Superintendent and Solicitor. Seconded by Mafrice and carried by unanimous voice vote.

Superintendent's Report

(Rozzo, Superintendent of Schools)

a. District Update

(Rozzo, Superintendent of Schools)

- **Remote to Hybrid and Hybrid to Remote Enrollment Update**
Dr. Rozzo gave an update on the Remote to Hybrid and Hybrid to Remote Enrollment numbers. The total Elementary School students who have moved from Remote to Hybrid are 43 students and the Total Elementary students who have moved from Hybrid to Remote are 3 students; The total Middle School students who have moved from Remote to Hybrid are 29 students and the total Middle School students who have moved from Hybrid to Remote are 7 students; The total High School students who have moved from Remote to Hybrid are 20 students and the total High School students who have moved from Hybrid to Remote are 44 students. Mrs. Pfender explained that the reason the High School numbers look differently than the Elementary and Middle School numbers is due to a number of factors.
- **Streams Principal Update**
Dr. Rozzo gave an update regarding the Streams Principal transition, noting that Dr. Claire Miler's last day will be on September 30th. He also reported that before the Board Meeting a parade was held for Dr. Miller and that it was a wonderful retirement send-off for someone who has spent so many dedicated years in Education. Dr. Rozzo advised that beginning on October 1st, Dr. Bulazo will step in as the Administrative lead for Streams, with additional support from Dr. Sharon Suritsky, Mrs. Cassandra Doggrell and Mr. Mark Miller. He also reported that the Streams Principal interviews are underway, and he hopes to make a recommendation at the October Board Meeting for a new Principal, however he will only make a recommendation if the right candidate is found.
- **Reconvening of Reopening Teams**
Dr. Rozzo reported that he will be making a recommendation to the Board, at the October 12th meeting, to increase in-person learning days. He noted that the Reopening Teams are beginning to meet again and a survey will be sent to families soon. He advised that they are still working towards a final recommendation. Dr. Rozzo explained that the District is committed to in-person learning and doing so safely and responsibly, while still giving families the choice of remote or in-person learning.

Mrs. Kramer gave an update on the gathering size limits and how they have changed since the last Board Meeting.

Mrs. Bolas thanked everyone for their hard work and research.

b. Approval of School Board to Cast Votes for PSBA Office Elections

(Bolas, School Board President)

Mrs. Bolas noted that the PSBA Office Elections are very important elections and she reviewed the selections chosen for the current election.

MOTION: By Billerbeck: I move that the Board approve the casting of votes for the following individuals for the PSBA Office Elections:

- President Elect
David Hein
- Vice President
Sabrina Backer
- Treasurer
Michael Gossert
- Western at Large
Marsha Pleta
- Trustee for Insurance Trust
Michael Faccinetto
Marianne Neel

Seconded by Schnore and carried by unanimous voice vote.

c. Approval of Personnel Listings

(Carson, Senior Director of Operations & Administrative Services)

Mr. Carson reviewed the Personnel Listings.

MOTION: By Gans: I move that the Board approve the Personnel Listings, as attached, pending receipt of all paperwork and required clearances. Seconded by Billerbeck and carried by unanimous voice vote.

d. Approval of Labor Agreements

(Carson, Senior Director of Operations & Administrative Services / Kramer, Solicitor)

1. Approval of Memorandum of Understanding with Bus Drivers, ESPA

MOTION: By Bowen: I move that the Board approve a Memorandum of Understanding with the Education Support Professional Association (ESPA) (drivers). Seconded by Gans and carried by unanimous voice vote

2. Approval of Settlement of Unit Clarification Petition - Special Service Federation, AFTPA, AFT

MOTION: By Petersen: I move that the Board approve the resolution and settlement of the Unit Clarification Petition filed on behalf of the Special Service Federation, Case Number PERA-R-84-347-W, on terms and conditions recommended by the Superintendent and Solicitor. Seconded by Bowen and carried by unanimous voice vote.

e. Approval of Commendations & Recognitions

(Suritsky, Assistant Superintendent/Deputy Superintendent)

Dr. Suritsky read the Commendations and Recognitions

MOTION: By Hewitt: I move that the Board approve the Commendations and Recognitions, as attached. Seconded by Petersen and carried by unanimous voice vote.

Administrator's Report

(Rozzo, Superintendent of Schools)

a. First Reading of PSBA Revisions and New Policies: 100s, 200s, 300s (Kramer, Solicitor and Pfender, Assistant to the Superintendent)

Mrs. Kramer and Mrs. Pfender reported on PSBA Policies 100s, 200s, and 300s that are listed below for a First Reading.

Mr. Mafrice asked where the general public can find the policies; it was advised, that once approved, all policies are placed on the District website.

- i. 103 - Discrimination/Title IX Sexual Harassment Affecting Students
- ii. 103- Attachment 1
- iii. 103 - Attachment 2
- iv. 103 - Attachment 3
- v. 104 - Discrimination/Title IX Sexual Harassment Affecting Staff
- vi. 104 - Attachment 1
- vii. 104 - Attachment 2
- viii. 203 - Immunizations & Communicable Diseases
- ix. 203 - AR-1 - Immunization Requirements
- x. 203 - AR-2 - Communicable Diseases/Attendance
- xi. 209 - Health Examinations/Screenings
- xii. 247 - Hazing
- xiii. 247 - Attachment 1
- xiv. 247 - AR-1

- xv. 247 - AR-2
- xvi. 249 - Bullying-Cyberbullying
- xvii. 249 - Attachment 1
- xviii. 249 - AR-1
- xix. 249 - AR-2
- xx. 252 - Dating Violence
- xxi. 252 - Attachment 1
- xxii. 314 - Physical Examination
- xxiii. 317.1 - Educator Misconduct
- xxiv. 318 - Attendance & Tardiness
- xxv. 331 - Job Related Expenses
- xxvi. 331 - AR - Job Related Expenses
- xxvii. 332 - Working Periods
- xxviii. 332 - AR - Working Periods
- xxix. 334 - Sick Leave
- xxx. 340 - Responsibility for Student Welfare

Consent Agenda

(Rozzo, Superintendent of Schools)

MOTION: By Elias: I move that the Board approve the following Consent Agenda items, contingent upon documentation acceptable to the Superintendent and Solicitor, as attached to the permanent record of the minutes of this meeting. Seconded by Petersen and carried by unanimous voice vote.

a. Approval of the following Contracted Transportation Agreements:

(Carson, Senior Director of Operations and Administrative Services)

Approve the following Contracted Transportation Agreements:

- Agreement with Mlaker Transportation for contracted transportation services for a term of August 19, 2020 - June 30, 2021, to be billed monthly, per diem, per bus at \$349/each day operated and the attendant cost of \$152/per day.
- Agreement with First Student, Inc for contracted transportation services for a term of September 8, 2020 - June 30, 2021, to be billed monthly, per diem, per bus at \$257.76/each operated and the attendant cost of \$0.00/per day.

- Agreement with Mlaker Transportation, Inc. for contracted transportation services for a term of August 31, 2020 - June 30, 2021, to be billed monthly, per diem, per bus at \$195.00/each day operated and the attendant cost of \$90.00/per day.
- Agreement with Mlaker Transportation, Inc. for contracted transportation services for a term of September 8, 2020 - June 30, 2021, to be billed monthly, per diem, per bus at \$195.00/each day operated and the attendant cost of \$0.00/per day.

b. Approval of the below listed Student Support Service Agreements/Contracts

(Doggrell, Director of Student Support Services/Madia, Assistant Director of Student Support Services)

Approve the following Student Support Services Agreements/Contracts:

- Global Wordsmiths Language Services Agreement for Language Interpretation Services and Language Translation Services.
- 2020-2021 Waterfront Learning Services Contract for Allegheny County Schools for certain flexible virtual education program opportunities for students enrolled in the District.
- The Watson Institute Education Center South: Tuition for one student placement at \$50,498 (full year).
- Pittsburgh Pioneer Program: Tuition for one student placement at \$39,600 (full year).
- Southwood Psychiatric Hospital: If services rendered, five hours per week of educational homebound instruction at a daily rate of \$90.00 additional cost for necessary related services.
- Hope Learning Center: Psychological assessments and evaluations at \$600.00 per evaluation and gifted evaluations at \$450.00 per evaluation. Additional services provided at \$75.00 per hour.
- Wesley Spectrum Services: Creative arts programming provided once a week at \$125.00 per hour.

- c. Approval of Treasurer's Report: 9.14.20**
Including Supplemental Report: 9.29.20
(Burchill, Director of Business & Finance)

Approve the Treasurer's Report for 2020-2021, including approved total Bill List and Check File Listing as following:

Fund 10 (General Fund) - \$3,070,431.00
Fund 31 (Capital Reserve Fund) - \$206,000.18
Fund 36 (Construction Fund) - \$166,466.48
Fund 50 (School Lunch Fund) - \$20,567.83

- d. Approval of Treasurer's Report from 2019-2020: 9.29.20**
(Burchill, Director of Business & Finance)

Approve the Treasurer's Report from 2019-2020, including approved total of Bill List and Check File Listing as follows:

Fund 10 (General Fund) - \$157,846.91
Fund 31 (Capital Reserve) - \$0.00
Fund 36 (Construction) - \$21,124.08
Fund 50 (School Lunch Fund) - \$697,292.17

Committee Reports

(Bolas, School Board President)

Mrs. Bolas gave an update on PSBA's annual conference, which will be held virtually this year.

Dr. Gans gave a report from the PSBA Legislative Committee and asked Mrs. Kramer to expand on the pending legislation, mandate waiver, Senate Bill 1286. Mrs. Kramer reported on why the Bill was introduced and what it covers; she also advised that there is more information regarding the Bill on the PSBA website.

Mrs. Bowen gave an update on the Youth Steering Committee, noting that the first meeting was held in September. She advised that the next meeting will be held in October and will be virtual.

Resident's Comments - (Regarding Any item)

Link to Online Form

Note: As per Guidelines for Resident's Comments, please state your name and address and limit your comments to three minutes. Social distancing and mask guidelines will also be adhered to during Resident's Comments. In light of continued health and safety concerns, the Board will offer an additional option for submitting Residents' Comments via online form (link above) or by phone in advance of the meeting. You can submit a comment via phone by contacting the Board Stenographer at 412-833-1600 x2218 by Tuesday, September 29, 2020 any time before 2pm. Comments submitted in advance regarding agenda items will be shared with the Board prior to the meeting and summarized at this time.

Dr. Rozzo noted that there was one resident public comment, which was submitted via the District's online Google Form.

Matters of Information - Superintendent & Administration
(Rozzo, Superintendent of Schools)

Dr. Rozzo reported that the PTC Open Mic will be held on October 28th at 7:00pm and that more details will be communicated once they are finalized.

Announcement Regarding Executive Session
(Bolas, School Board President)

Mrs. Bolas announced that Executive Session was held on Tuesday, September 29th at 6:00pm for Personnel, Legal Matters and Safety & Security and immediately following the September 29th Board Meeting for personnel.

Mr. Mafrice commented regarding the Streams parade, noting it was a great show of support for Dr. Miller and it was great to be able to say goodbye to her at the parade.

Mr. Berrott reported on USCSD.tv, thanking everyone for their hard work.

Adjournment

The meeting was adjourned at approximately 8:18pm.

Barbara L. Bolas, President
BOARD OF SCHOOL DIRECTORS

Scott P. Burchill, Secretary
BOARD OF SCHOOL DIRECTORS

Submitted by: Sarah MacDonald
School Board Stenographer



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Mrs. Angela B. Petersen • Mrs. Jennifer A. Schnore •
Dr. John T. Rozzo, Superintendent • Mrs. Jocelyn P. Kramer, Solicitor

SCHOOL BOARD MEETING MINUTES

Monday, August 17, 2020 @ 7:00pm
District Administration Building Board Room

Notice having been advertised and posted and members duly notified, a Board meeting of the Board of School Directors was held on August 17, 2020 in the District Administration Board Room

School Board Members in Attendance:

Mrs. Barbara Bolas, President (in-person)
Mr. Patrick Hewitt, Vice President (in-person)
Mrs. Amy Billerbeck (virtual)
Mrs. Jennifer L. Bowen (in-person)
Mr. Phillip J. Elias (in-person)
Dr. Daphna Gans (virtual)
Mr. Louis P. Mafrice Jr. (in-person)
Mrs. Angela Petersen (in-person)
Mrs. Jennifer Schnore (virtual)

School Personnel in Attendance:

Dr. John T. Rozzo, Superintendent (in-person)
Dr. Sharon K. Suritsky, Assistant/Deputy Superintendent (virtual)
Mrs. Amy Pfender, Assistant to the Superintendent (virtual)
Mr. Ray Carson, Senior Director of Operations & Administrative Services (in-person)
Mr. Raymond Berrott, Director of Technology (in-person)
Dr. Judith Bulazo, Director of Curriculum and Development (virtual)
Mr. Scott Burchill, Director of Business & Finance (virtual)
Mrs. Cassandra Doggrell, Director of Student Support Services (virtual)
Mr. Bradley Wilson, Director of Strategic Initiatives (virtual)
Mrs. Jocelyn Kramer, Solicitor (in-person)

Mrs. Sarah MacDonald, Board Stenographer (in-person)
Dr. Lou Angelo, Director of Facilities and Operations (virtual)
Mrs. Holly Fisher, Nursing Department Chair (virtual)
Mrs. Lauren Madia, Assistant Director of Student Support Services (virtual)

Call to Order / Pledge of Allegiance
(Bolas, School Board President)

Mrs. Bolas called the meeting to order at approximately 7:00pm.

Meeting Procedures
(Kramer, Solicitor)

Mrs. Kramer reviewed the meeting procedures for the Board Meeting.

Reading of the Mission:

Mr. Elias read the following Mission:



Developing lifelong learners and responsible citizens for a global society is the mission of the Upper St. Clair School District, served by a responsive and innovative staff who in partnership with the community provides learning experiences that nurture the uniqueness of each child and promotes happiness and success.

Reading of the Shared Belief Statement #5 from Strategic Plan:

Mr. Mafrice read the following Shared Belief Statement #5 from the Strategic Plan:

We Believe that:

An exemplary educational institution aims to promote an environment of academic excellence and pride in the school community.

Statement from Superintendent of Schools
(Rozzo, Superintendent of Schools)

Dr. Rozzo advised that the Administrative team will be presenting a condensed version of the Reopening Plan, which was first presented at the August 3rd meeting. He noted that the presentation does not require a Board vote. Dr. Rozzo commented that there have been rumors circulating that the District is changing its position on the Reopening Plan. However, he advised that these rumors are not true and the Reopening Plan has not changed, with the District still recommending a hybrid model. He also reported that the District has just received notification that the masking requirements, for students in school, have changed; he advised that in light of those changes, the Reopening Plan has been updated to reflect the new mask requirements. Dr. Rozzo advised that the District's overall commitment is to the health and safety of the students, including both

their physical and social/emotional health. He noted that the Administrative team will elaborate on these points during the Reopening Plan presentation. The Reopening Plan was then presented to the Board. The Board members asked several questions and thanked everyone for all of their hard work and commitment in developing and completing the Reopening Plans.

After the presentation, Dr. Rozzo noted that he wanted to add one point to the presentation. He advised that as a result of the numbers for enrollment, the District is now able to offer Kindergarten 4 days a week, with students coming into school Monday – Thursday. He also reported that the District is still determining if EDS and K+ will take place this year, noting that it depends on space limitations.

Resident's Comments - (Regarding Agenda Items Only)

Link to Online Form

Note: As per Guidelines for Resident's Comments, please state your name and address and limit your comments to three minutes. Social distancing and mask guidelines will also be adhered to during Resident's Comments. In light of continued health and safety concerns, the Board will offer an additional option for submitting Residents' Comments via online form (link above) or by phone in advance of the meeting. You can submit a comment via phone by contacting the Board Stenographer at 412-833-1600 x2218 by Monday, August 17, 2020 any time before 2pm. Comments submitted in advance regarding agenda items will be shared with the Board prior to the meeting and summarized at this time.

During this time, five public comments were made.

Dr. Rozzo advised that comments were also received online, via Google Form, and those comments were shared with the Board.

Approval of Agenda

(Bolas, School Board President)

MOTION: By Schnore: I move that the Board approve the Agenda, as presented.
Seconded by Mafrice and carried by unanimous voice vote.

Approval of Minutes

(Bolas, School Board President)

MOTION: By Gans: I move that the Board approve the Meeting Minutes of the June 29, 2020 & August 3, 2020 Board Meetings, subject to final approval by the Superintendent and Solicitor. Seconded by Schnore and carried by unanimous voice vote.

Superintendent's Report
(Rozzo, Superintendent of Schools)

a. Approval of Resolution Regarding Staffing
(Rozzo, Superintendent of Schools)

Dr. Rozzo reported on the need for the increases in the Resolution regarding Staffing.

MOTION: By Bowen: I move that the Board approve the District staff being increased by the following positions:

Increase: 0.2 Baker Art Teacher
0.5 Health Room Aide
1.0 Boyce Teacher

Seconded by Gans and carried by unanimous voice vote.

b. Approval of Commendations & Recognitions
(Suritsky, Assistant Superintendent/Deputy Superintendent)

Dr. Suritsky read the Commendations and Recognitions.

MOTION: By Petersen: I move that the Board approve the Commendations and Recognitions, as attached. Seconded by Bowen and carried by unanimous voice vote.

c. Approval of Personnel Listings
(Carson, Senior Director of Operations & Administrative Services)

Mr. Carson reviewed the Personnel Listings.

MOTION: By Hewitt: I move that the Board approve the Personnel Listings, as attached, pending receipt of all paperwork and required clearances. Seconded by Petersen and carried by unanimous voice vote.

- d. Approval of Agreement with Mlaker Transportation for contracted transportation services for a term of August 24, 2020 - June 30, 2021, to be billed monthly, per diem, per bus at \$270.00 for each day operated and attendant cost of \$142.00 per day.**

(Carson, Senior Director of Operations & Administrative Services)

Mr. Carson reviewed the agreement with Mlaker Transportation for contracted transportation services.

MOTION: By Billerbeck: I move that the Board approve an Agreement with Mlaker Transportation for contracted transportation services, for a term of August 24, 2020 - June 30, 2021, to be billed monthly, per diem, per bus at \$270.00 for each day operated and attendant cost of \$142.00 per day, on terms and conditions approved by the Superintendent and Solicitor. Seconded by Hewitt and carried by unanimous voice vote.

- e. Approval to Declare Technology Items Surplus/Obsolete**

(Berrott, Director of Technology)

Mr. Berrott reviewed the technology items to declare surplus/obsolete.

MOTION: By Elias: I move that the Board authorize the District to declare a list of items Surplus/Obsolete and authorize the administration to sell, exchange, dispose, or donate the items in accordance with the provisions in Policy #3006 - Sale or Disposal of Surplus Property, Equipment, Supplies and Textbooks. Seconded by Billerbeck and carried by unanimous voice vote.

- f. Approval of the Reopening Plans**

- School Health and Safety Plan**

(Madia, Assistant Director of Student Support Services)

Mrs. Madia reviewed the Health and Safety Plan for approval. She noted that there have been no changes, aside from adding in the new mask requirement language. The Board thanked everyone for their hard work on the Health and Safety Plan.

MOTION: By Mafrice: I move that the Board approve the School Health and Safety Plan, subject to final approval by the Superintendent and Solicitor. Seconded by Elias and carried by unanimous voice vote.

- **Athletic Health and Safety Plan**
(Carson, Senior Director of Operations & Administrative Services)

Mr. Carson reviewed the Athletic Health and Safety Plan, noting that the only change to the plan is an update regarding the outdoor gathering numbers; the maximum number for outdoor gatherings has changed from 250 to 50 people.

MOTION: By Schnore: I move that the Board approve the Athletic Health and Safety Plan, subject to final approval by the Superintendent and Solicitor. Seconded by Mafrice and carried by unanimous voice vote.

- **Approval of Section 520.1 Resolution and PDE Emergency Instructional Time Template**
(Kramer, Solicitor)

Mrs. Kramer reviewed the 520.1 Resolution and PDE Emergency Instructional Time Template. She explained that these documents will allow the District to provide students with remote education and to implement a hybrid model, as well as allowing the District to meet the 180 day requirement, even if all 180 days aren't spent in the classroom.

MOTION: By Bowen: I move that Board approve the Section 520.1 Resolution and PDE Emergency Instructional Time Template, as presented, subject to final approval by the Superintendent and Solicitor. Seconded by Gans and carried by unanimous voice vote.

- g. **Approval of the below listed Student Support Service Contracts**
(Doggrell, Director of Student Support Services/Madia, Assistant Director of Student Support Services)

Mrs. Doggrell and Mrs. Madia reviewed the following Student Support Service Contracts. The Board thanked the District for making the social/emotional needs of the students a priority.

- Agreement for UMPC-Western Psychiatric Hospital (WPH) to serve as the District's state-mandated Student Assistance provider.
- Agreement to engage a Social-Emotional Wellness Consultant from UPMC-WPH at the cost of \$10,000 for one day per week of service.

- Agreement with Phase 4 Learning Center for Alternative Education for Disruptive Youth (AEDY) private provider for delivery of alternative education services at \$8,000 per regular or special education student.

MOTION: By Petersen: I move that the Board approve the Student Support Services contracts for the Agreement with UPMC - Western Psychiatric Hospital (WPH), Agreement to engage Social-Emotional Wellness Consultant from UPMC-WPH, and Agreement with Phase 4 Learning Center for Disruptive Youth contingent upon documentation acceptable to the Superintendent and Solicitor. Seconded by Bowen and carried by unanimous voice vote.

Consent Agenda

MOTION: By Hewitt: I move that the Board approve the following Consent Agenda items, contingent upon documentation acceptable to the Superintendent and Solicitor, as attached to the permanent record of the minutes of this meeting. Seconded by Petersen and carried by unanimous voice vote.

- a. **Approval of Updates to the 2020-2021 School Calendar**
(Rozzo, Superintendent of Schools)
- b. **Approval of the following Special Education and Support Services Agreements/Contracts:**
(Doggrell, Director of Student Support Services)
 - Therapy Works LLC: Consultant Agreement for speech and language services (in person and teletherapy) for one student at \$26/per unit
 - Wesley Spectrum Services: Creative Arts programming for two students at \$125/per hour (full year)
 - The Watson Institute (Education and Behavior Support Academy): Tuition for six student placements at \$50,498 per student (full year)

- The Watson Institute (WISCA-Social Center for Academic Achievement): Tuition for two student placements at \$48,346 (full year)
 - The Watson Institute Service Agreement: Training and Consultation up to \$875 per day and mileage at IRS regulation (as needed)
 - The Watson Institute Service Agreement: Social work services at \$90,000 (full year)
 - Individual Special Education Transportation Agreement
- c. **Approval for Maher Duessel to Serve as the School District's Auditor for a Three-Year Term through June 30, 2022**
(Burchill, Director of Business & Finance)
- d. **Approval of Budget Transfers, Credit Card and Bill List for 2019-2020**
(Burchill, Director of Business & Finance)
- Fund 10 (General Fund) - \$1,229,473.22
Fund 31 (Capital Reserve Fund) - \$0
Fund 36 (Construction Fund) - \$123,665.46
Fund 50 (School Lunch Fund) - \$14,732.79
- e. **Approval of Credit Card and Bill List for 2020-2021**
(Burchill, Director of Business & Finance)
- Fund 10 (General Fund) - \$7,423,454.11
Fund 31 (Capital Reserve Fund) - \$23,490.36
Fund 36 (Construction Fund) - \$169,355.35
Fund 50 (School Lunch Fund) - \$23,849.58

Committee Reports

(Bolas, School Board President)

Dr. Gans gave a legislative update from PSBA.

Resident's Comments - (Regarding Any item)

Link to Online Form

Note: As per Guidelines for Resident's Comments, please state your name and address and limit your comments to three minutes. Social distancing and mask guidelines will also be adhered to during Resident's Comments. In light of continued health and safety

concerns, the Board will offer an additional option for submitting Residents' Comments via online form (link above) or by phone in advance of the meeting. You can submit a comment via phone by contacting the Board Stenographer at 412-833-1600 x2218 by Monday, August 17, 2020 any time before 2pm. Comments submitted in advance regarding agenda items will be shared with the Board prior to the meeting and summarized at this time.

Announcement Regarding Executive Session:
(Bolas, School Board President)

Mrs. Bolas announced that Executive Session was held on Thursday, August 13, 2020 for Personnel, Safety & Security and Legal Matters

Adjournment

It was moved by Mr. Mafrice and carried by unanimous voice vote that the meeting adjourn at approximately 8:40pm.

Barbara L. Bolas, President
BOARD OF SCHOOL DIRECTORS

Scott P. Burchill, Secretary
BOARD OF SCHOOL DIRECTORS

Submitted by: Sarah MacDonald
School Board Stenographer



UPPER ST CLAIR SCHOOL DISTRICT

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Mrs. Jennifer L. Bowen • Mr. Phillip J. Elias • Dr. Daphna Gans • Mr. Louis P. Mafrice, Jr. •
Mrs. Angela B. Petersen • Mrs. Jennifer A. Schnore •
Dr. John T. Rozzo, Superintendent • Mrs. Jocelyn P. Kramer, Solicitor

SCHOOL BOARD MEETING MINUTES

Monday, September 14, 2020 @ 7:00pm
District Administration Building Board Room

Notice having been advertised and posted and members duly notified, a Board meeting of the Board of School Directors was held on September 14, 2020 in the District Administration Board Room.

School Board Members in Attendance:

Mrs. Barbara Bolas, President (in-person)
Mr. Patrick Hewitt, Vice President (in-person)
Mrs. Amy Billerbeck (in-person)
Mrs. Jennifer L. Bowen (virtual)
Mr. Phillip J. Elias (in-person)
Dr. Daphna Gans (virtual)
Mr. Louis P. Mafrice Jr. (in-person)
Mrs. Angela Petersen (in-person)
Mrs. Jennifer Schnore (virtual)

School Personnel in Attendance:

Dr. John T. Rozzo, Superintendent (in-person)
Dr. Sharon K. Suritsky, Assistant/Deputy Superintendent (virtual)
Mrs. Amy Pfender, Assistant to the Superintendent (virtual)
Mr. Ray Carson, Senior Director of Operations & Administrative Services (in-person)
Mr. Scott Burchill, Director of Business & Finance (virtual)
Dr. Lou Angelo, Director of Facilities and Operations (virtual)
Mr. Raymond Berrott, Director of Technology (in-person)
Dr. Judith Bulazo, Director of Curriculum and Development (virtual)
Mrs. Cassandra Doggrell, Director of Student Support Services (virtual)
Mrs. Lauren Madia, Assistant Director of Student Support Services (virtual)
Mr. Bradley Wilson, Director of Strategic Initiatives (virtual)

Mrs. Jocelyn Kramer, Solicitor (in-person)
Mrs. Sarah MacDonald, Board Stenographer (in-person)

Call to Order

(Bolas, School Board President)

Mrs. Bolas called the meeting to order at approximately 7:16pm.

Resident's Comments - (Regarding Agenda items only)

Link to Online Form

Note: As per Guidelines for Resident's Comments, please state your name and address and limit your comments to three minutes. Social distancing and mask guidelines will also be adhered to during Resident's Comments. In light of continued health and safety concerns, the Board will offer an additional option for submitting Residents' Comments via online form (link above) or by phone in advance of the meeting. You can submit a comment via phone by contacting the Board Stenographer at 412-833-1600 x2218 by Monday, September 14, 2020 any time before 2pm. Comments submitted in advance regarding agenda items will be shared with the Board prior to the meeting and summarized at this time.

There were no Resident's Comments at this time.

Approval of Agenda

(Bolas, School Board President)

Motion: By Schnore: I move that the Board approve the Agenda, as presented.
Seconded by Billerbeck and carried by unanimous voice vote.

Superintendent's Report

a. Approval of Personnel Listings

(Rozzo, Superintendent of Schools / Carson, Senior Director of Operations & Administrative Services)

Dr. Rozzo commented that the Personnel Listing included two items of note. The first item was AWS substitutes; AWS substitutes are building-specific substitutes. The positions were created to ensure that there is always a substitute available to fill any classroom vacancies. The second item was the retirement of Streams Principal, Dr. Claire Miller. Dr. Rozzo reported that Dr. Miller will retire effective September 30, 2020 and that the District will miss her. He noted that an interim plan will be in effect as soon as she retires and a search will commence to fill her position.

Motion: By Gans: I move that the Board approve the Personnel Listings, subject to final approval by the Superintendent and Solicitor. Seconded by Schnore and carried by unanimous voice vote.

b. Approval of 2020-2021 Bus Stops

(Carson, Senior Director of Operations & Administrative Services)

Motion: By Petersen: I move that the Board approve the 2020-2021 Bus Stops, subject to final approval by the Superintendent and Solicitor. Seconded by Gans and carried by unanimous voice vote.

c. Approval of Amendment to the PEAQ MOU (Board approved on March 23, 2020) to allow for adjustments to the use schedule and to include additional fees

(Carson, Senior Director of Operations & Administrative Services)\

Motion: By Billerbeck: I move that the Board approve the Amendment to the PEAQ MOU (Board approved on March 23, 2020) to allow for adjustments to the use schedule and to include additional fees, as presented, subject to final approval by the Superintendent and Solicitor. Seconded by Petersen and carried by unanimous voice vote.

d. Approval of revisions to the School Health and Safety Plan

(Madia, Assistant Director of Student Support Services)

Motion: By Bowen: I move that the Board approve the revisions to the School Health and Safety Plan. Seconded by Billerbeck and carried by unanimous voice vote.

e. Approval of revisions to the Athletic Health and Safety Plan

(Kramer, Solicitor/Carson, Senior Director of Operations and Administrative Services)

[Enclosure](#)

Motion: By Mafrice: I move that the Board approve the revisions to the Athletic Health and Safety Plan. Seconded by Bowen and carried by unanimous voice vote.

- f. **Approval of Software License Agreement with Energybox, Inc for a Temperature Monitoring System in the Walk-in Coolers and Freezers**
(Burchill, Director of Business & Finance)

Motion: By Elias: I move that the Board approve the Software License Agreement with Energybox, Inc for a Temperature Monitoring System in the Walk-in Coolers and Freezers, contingent upon documentation acceptable to the Superintendent and Solicitor. Seconded by Mafrice and carried by unanimous voice vote.

Ratification of District Actions Taken Pursuant to the Board's Authorization from June 29, 2020 Item N. under Superintendent's Report
(Kramer, Solicitor)

Motion: By Hewitt: I move that the Board ratify the following District actions taken pursuant to the Board's authorization from June 29, 2020 item N. under Superintendent's Report. Seconded by Elias and carried by unanimous voice vote.

- a. **MOU with the Upper St Clair Education Association (USCEA)**
(Rozzo, Superintendent of Schools)
- b. **MOU with the Upper St Clair Special Service Federation, AFT**
(Rozzo, Superintendent of Schools)
- c. **Polar Leasing for Walk-in Refrigeration Rental, Total Cost of \$8,358.00 for a 4 Month Lease beginning September 14, 2020 - January 13, 2021; Cost includes Freight, Rental and Damage Deposit**
(Burchil, Director of Business & Finance)
- d. **Resolutions regarding staffing, effective August 24, 2020:**
(Suritiesky, Deputy/Assistant to the Superintendent)

Increase: Fort Couch ESL from .90 to 1.0
Boyce German from .80 to 1.0

Correction: Eisenhower position from 1.0 to .50
(Board Approved on June 29, 2020)

Matters of Information - Superintendent & Administration
(Rozzo, Superintendent of Schools)

There were no matters of information at this time

Adjournment

The meeting was adjourned at approximately 7:36pm.

Barbara L. Bolas, President
BOARD OF SCHOOL DIRECTORS

Scott P. Burchill, Secretary
BOARD OF SCHOOL DIRECTORS

Submitted by: Sarah MacDonald
School Board Stenographer

Personnel List**Board Meeting****September 29, 2020****ELECTION**

Staff Name	Location	New Assignment	New Assignment Status	Effective Date
Bowers, Andrew	District-Wide	OnLine Learning Coordinator	ECA	09-30-20
Dreher, Samari	DAB	Technology Department - Student Helper	PT	10-9-20
Dressler, Kody	DAB	Technology Department - Student Helper	PT	10-9-20
Engel-Ferrari, Rachel	High School	Technical Director - Fall Play	ECA	09-21-20 through Performance Date TBD
Froelich, Keith	High School	Assistant Coach - Girls Golf	ECA	08-24-20 through 10-2-20
Jackson, Conor	Ft. Couch	Assistant Coach: 7th Grade Football	ECA	8-24-20 through 10-25-20
McNabb, Courtney	Streams	AWS Teacher	Substitute	09-02-20 through 06-09-2021
Murphy, Jennifer	Substitute	Day/Day Substitute Teacher (ETC)	Substitute	09-30-20
Murphy, Richard	Ft. Couch	Assistant Coach: 8th Grade Football	ECA	08-24-20 through 10-25-20
Patel, Parth	DAB	Technology Department - Student Helper	PT	10-9-20
Ragan, Elana	High School	Montage Sponsor	ECA	2020-2021 School Year
Rohrbaugh, Alex	DAB	Technology Department - Student Helper	PT	10-9-20
Saunders, Dana	High School	Assistant Coach: Girls Soccer	Volunteer	08-24-20 through 10-16-20
Stanley, Michael	Substitute	Day/Day Substitute Teacher (ETC)	Substitute	09-30-20
Steinhaus, Paige	Eisenhower	AWS Teacher	Substitute	09-28-20 through 06-09-2021
Tarcon, Brooke	High School	Clairvoyant Co-Sponsor	ECA	2020-2021 School Year

CHANGE OF STATUS

Staff Name	Location	Current Assignment	Current Assignment Status	New Assignment	New Assignment Status	Effective Date
Auld, Brittany	High School	AWS Teacher (Ft. Couch)	Substitute	1.0 Math Teacher (LTS for E. Alloway)	LTS	09-16-20 through LDTR
Bowers, Andrew	High School	1:1 MS Learning Initiative Facilitator	ECA	N/A	N/A	09-30-20
Fisher, Holly	District wide	Department Head	ECA	Curriculum Leader	FT	09-30-20
Gipson, Yvonne	Baker	1.0 Librarian	FT		Leave	09-03-20 through 11-25-20
Gray, Dave	High School	Head Coach - Girls Varsity Soccer	ECA	N/A	N/A	08-24-20 through 10-16-20
Lopez, Jennifer	Ft. Couch	Nutrition Center General Worker (HS)	PT	Cook/Baker	PT	09-14-20
Marks, Laura	High School	1:1 HS Learning Initiative Facilitator	ECA	N/A	N/A	09-30-20
Nicholson, Jared	Fort Couch	Assistant Coach - 7th Grade Football	ECA	Head Coach - 7th Grade Football	ECA	08-24-20 through 10-25-20

Schetley, Jennifer	Boyce	1.0 Music Teacher	FT		Leave	09-21-2020 through 01-22-2021
Spanovich, Adrienne	High School	1.0 Custodian	FT		Leave	Beginning 9-4-20
Sumansky, Sharon	High School	Assistant Coach - Girls Varsity Soccer	ECA	N/A	N/A	08-24-20 through 10-16-20
Wagner, Greg	High School	Assistant Coach - Girls Varsity Soccer	ECA	N/A	N/A	08-24-20 through 10-16-20

REAPPOINTMENT

Staff Name	Location	Current Assignment	Current Assignment Status	Effective Date
Gibson, Connie	High School	Producer - Fall Play	ECA	09-21-20 through Performance Dates TBD
Hunsberger, Thomas	High School	Producing Artistic Director - Fall Play	ECA	09-21-20 through Performance Dates TBD
Milovac, Lorraine	High School	Sponsor: Chanteclairs	ECA	2020-2021 School Year

RESIGNATION

Staff Name	Location	Current Assignment	Current Assignment Status	Effective Date
Carik, Anna	High School	Assistant Coach - Girls Varsity Soccer	ECA	08-24-20
Davidson, Heather	High School	JV Coach - Hip Hop/Dance	ECA	08-24-20
Johnson, Larry	Substitute	Substitute Custodian	Substitute	09-09-20
Loboda, Luke	Ft. Couch	Head Coach - 7th Grade Football	ECA	08-27-20
Morreale, Bryan	High School	Asst Coach - Girls Basketball	ECA	09-21-20
O'Brien, Daniel	DAB	Technology Department	Student Helper	08-31-20
Park, Ian	Ft. Couch	Assistant Coach: 8th grade Football Coach	ECA	08-24-20
Rishel, Marjorie	Substitute	Substitute Certified Teacher	Substitute	09-04-20
Rullo, Brian	DAB	Technology Department	Student Helper	08-31-20
Shuey, Katherine	Substitute	Substitute Certified Teacher	Substitute	08-19-20
Smith, Adam	Ft. Couch	Head Coach - Wrestling	ECA	09-23-20
Snyder, Barb	Substitute	Substitute Secretary/Aide	Substitute	08-31-20
Zamperini, Rich	High School	Marching Band - Visual Coordinator	ECA	09-02-20

INFORMATION ONLY:

Cansick, Katie	From 0.5 Resource Teacher/0.5 Elementary Teacher (Eisenhower)	To 1.0 Elementary Teacher (Eisenhower)	2020-2021 School Year
Hestwood, Christine	From 1.0 Music Teacher (Baker)	To 1.0 Music Teacher - .8 Baker / .2 High School	2020-2021 School Year
Kopaz, Lynne	From 0.8 Spanish Teacher/0.2 German Teacher (High School)	To 1.0 Spanish Teacher (High School)	2020-2021 School Year
Lach, Tina	From 0.5 ESL Teacher (Streams) /0.5 ESL Teacher (Baker)	To 1.0 ESL Teacher (Baker)	2020-2021 School Year

Manion, Kara	From 1.0 Elementary Teacher (Baker)	To 0.5 Elementary Teacher/0.5 Resource Teacher (Baker)	2020-2021 School Year
McCarthy, Renee	From 1.0 Resource Teacher (Baker)	To 1.0 Elementary Teacher (Baker)	2020-2021 School Year
Moore, Cephus	From 0.6 French/0.4 Spanish Teacher (High School)	To 1.0 French Teacher (High School)	2020-2021 School Year
Paronish, Stacie	From 1.0 Family & Consumer Science Teacher (Boyce)	To 1.0 Resource Teacher (Boyce)	2020-2021 School Year
Pickell, Donald	From 1.0 Music Teacher (High School)	To 1.0 Music Teacher (Ft. Couch)	2020-2021 School Year
Rennhoff, Johanna	From 0.6 Spanish/0.4 German Teacher (High School)	To 0.6 German/0.4 Spanish Teacher (High School)	2020-2021 School Year
Seybert, John	From 1.0 Music Teacher - 0.6 Ft. Couch /0.4 High School	To 1.0 Music Teacher (High School)	2020-2021 School Year
Shoemaker, Sarah	From 1.0 Music Teacher - 0.8 High School /0.2 Boyce	To 1.0 Music Teacher - 0.6 Boyce /0.4 Ft. Couch	2020-2021 School Year
Wayland, Glenn	From 1.0 Music Teacher = 0.34 Baker/0.33 Eisenhower /0.33 Streams	To 1.0 Music Teacher = 0.3 Eisenhower /0.3 Streams /0.2 Baker /0.2 HS	2020-2021 School Year
Holland, Kendall	1.0 Math Teacher (LTS for E. Alloway) - High School	Resignation date change from 09-22-20 to 09-18-20	

COMMENDATIONS & RECOGNITIONS

September 2020

HIGH SCHOOL

Eleven Upper St. Clair High School seniors were recently named Semifinalists in the 2021 National Merit Scholarship Competition. The following students scored in the top one percent of all juniors completing the PSAT in October 2019:

Richard A. Carlson
Christian G. Chiu
Harrison L. Chui
Donovan P. Kohler
Richa N. Mahajan
Shay A. McDowell
Samantha E. Seewald
Ishaan N. Shah
Sophia Shi
Constantine S. Tripodes
Jason D. Zhang

Fourteen students were named National AP Scholars and AP Scholars with Distinction for earning an average grade of at least 4 on all AP exams taken, and scores of 4 or higher on eight or more exams. 2020 graduates:

Carly E. Abraham
Sarah Besser
Julia C. Brubach
Jason Choi
Aaron T. Hall
Eri Hayakawa
Katherine R. Hobart
Vivian D. Li
Soudip Sen
Zachary J. Smith
Braden R. Yates

As well as seniors:

Christian G. Chiu
Harrison L. Chui
Richa N. Mahajan

This is the highest honor offered by the College Board.

In addition, Vivian Li earned an AP International Diploma, a certificate awarded to students who display exceptional achievement across a variety of disciplines. The AP International Diploma is available to international students attending secondary schools outside the U.S. and to U.S. high school students applying to universities outside the country. Vivian is attending the Murray Edwards College – University of Cambridge in London.

Book	Policy Manual
Section	100 Programs
Title	Discrimination/Title IX Sexual Harassment Affecting Students
Code	103
Status	First Reading-September 29, 2020 From PSBA

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 1 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 2, 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 2. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.[18][20][23][24]

When an emergency removal, as described in Attachment 2, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.[18][19][20][23]

When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the

normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a **report** and the investigation **related to any form of discrimination or retaliation, including Title IX sexual harassment**, shall be handled in accordance with **applicable law, regulations**, this policy, **the attachments** and the district's legal and investigative obligations. [\[25\]](#)[\[26\]](#)[\[27\]](#)[\[28\]](#)[\[29\]](#)

Retaliation

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

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

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

Definitions

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

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

Discrimination

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

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

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

Definitions Related to Title IX Sexual Harassment

Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.[\[27\]](#)[\[30\]](#)

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.[\[30\]](#)

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the

educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:[\[30\]](#)

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

Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Board policy.[\[17\]](#)[\[18\]](#)[\[23\]](#)[\[24\]](#)[\[31\]](#)

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

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

3. **Sexual assault, dating violence, domestic violence or stalking.**

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

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An education program or activity includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or

activities, whether such programs or activities occur on-campus or off-campus. [\[26\]](#)[\[27\]](#)[\[30\]](#)

Delegation of Responsibility

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

Deputy Superintendent as the district's Compliance Officer and the Assistant/Assistant to the Superintendent as the district's Title IX Coordinator.

The Compliance Officer can be contacted at:

**Address: 1775 McLaughlin Run Road
Pittsburgh, PA 15241**

**Email: ssuritsky@uscsd.k12.pa.us
mharkleroad@uscsd.k12.pa.us**

Phone Number: (412) 833-1600 Ext. 2214

The Title IX Coordinator can be contacted at:

**Address: 1775 McLaughlin Run Road
Pittsburgh, PA 15241**

**Email: apfender@uscsd.k12.pa.us
mharkleroad@uscsd.k12.pa.us**

Phone Number: (412) 833-1600 Ext. 2214

The Compliance Officer **and Title IX Coordinator shall fulfill designated responsibilities** to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of the district's nondiscrimination procedures in the following areas, **as appropriate:**

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - **Provide** training for students and staff to prevent, identify and alleviate problems of discrimination.
3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure **or Title IX procedures**, such as making reports to the police, and available **supportive measures such as** assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
4. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
5. District Support - **Assure** that like aspects of the school programs **and activities** receive like support as to staffing and compensation, facilities, equipment, and related areas.**[35]**
6. Student Evaluation - Review of assessments, procedures, and guidance and counseling materials for stereotyping and discrimination.
7. **Reports/Formal** Complaints - Monitor and provide technical assistance to **individuals involved** in **managing informal reports and formal** complaints.

Guidelines

Title IX Sexual Harassment Training Requirements

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

1. **Definition of sexual harassment.**

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

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

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

Disciplinary Consequences

A student who is determined to be responsible for violation of this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:[18][19][20]

1. **Loss of school privileges.**
2. **Permanent transfer to another school building, classroom or school bus.**
3. **Exclusion from school-sponsored activities.**
4. **Detention.**

5. **Suspension.**
6. **Expulsion.**
7. **Referral to law enforcement officials.**

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

Reports of Discrimination

Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in Attachment 1 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 2 to this policy.

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Legal References

1. 22 PA Code 12.1
2. 22 PA Code 12.4
3. 22 PA Code 15.1 et seq
4. 22 PA Code 4.4
5. 24 P.S. 1301
6. 24 P.S. 1310

7. 24 P.S. 1601-C et seq
8. 24 P.S. 5004
9. 43 P.S. 951 et seq
10. 20 U.S.C. 1681 et seq
11. 34 CFR Part 106
12. 29 U.S.C. 794
13. 42 U.S.C. 12101 et seq
14. 42 U.S.C. 1981 et seq
15. 42 U.S.C. 2000d et seq
16. U.S. Const. Amend. XIV, Equal Protection Clause
17. Pol. 103.1
18. Pol. 113.1
19. Pol. 218
20. Pol. 233
21. Pol. 317
22. Pol. 806
23. Pol. 113.2
24. Pol. 113.3
25. 20 U.S.C. 1232g
26. 34 CFR 106.44
27. 34 CFR 106.45
28. 34 CFR 106.71
29. 34 CFR Part 99
30. 34 CFR 106.30

31. Pol. 113

32. 34 U.S.C. 12291

33. 20 U.S.C. 1092

34. 34 CFR 106.8

35. Pol. 150

36. Pol. 317.1

18 Pa. C.S.A. 2709

20 U.S.C. 1400 et seq

28 CFR Part 41

28 CFR Part 35

34 CFR Part 100

34 CFR Part 104

34 CFR Part 110

U.S. Const. Amend. I

Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 (2020)

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

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

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Office for Civil Rights - Resources for Addressing Racial Harassment

Pol. 122

Pol. 123

Pol. 138

Pol. 216

Pol. 220

Pol. 247

Pol. 249

Pol. 251

Pol. 252

Pol. 320

Pol. 701

Pol. 815

Pol. 832

Replaced the following policies:

Policy 3003 - Equal Opportunity adopted November 11, 1974 and revised May 8, 1978, January 12, 1987 and January 24, 2005

Policy 3015 - Nondiscrimination/Discriminatory Harassment – School and Classroom Practices adopted June 19, 2019, which replaced Policy #3015 – No Harassment of Students originally adopted March 13, 1989 and revised October 24, 2011

Policy 3016 - Sexual Discrimination or Harassment Toward Students or Employees adopted March 13, 1989

**103 - ATTACHMENT 1
DISCRIMINATION
COMPLAINT PROCEDURES**

The Discrimination Complaint Procedures prescribed in this Attachment apply to reports of retaliation or discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability that do not constitute Title IX sexual harassment as defined in the Policy 103.

All reports of discrimination shall be reviewed by the Title IX Compliance Officer upon receipt to determine if the allegations meet the definition and parameters of sexual harassment under Title IX. If the result of this review determines that the allegations fall within the scope of Title IX sexual harassment, then the process set forth in Policy 103 Attachment 2 for Title IX Sexual Harassment shall be followed.

All reports of discrimination and retaliation brought pursuant to the district's discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 103 but merits review and possible action under the Code of Student Conduct and other Board policies. (Pol. 103.1, 218, 247, 249, 252)

Definitions

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

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

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, 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.

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

Reasonable Accommodations

Throughout the discrimination complaint procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 138, 251, 832, 906)

Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building principal or Compliance Officer shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 806, 824)

Timeframes

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

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or

extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

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

PROCEDURES FOR COMPLAINTS OF DISCRIMINATION

Step 1 – Reporting

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

Parents/Guardians of students have the right to act on behalf of the complainant, the respondent, or other individual at any time.

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

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

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

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

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

The Title IX Coordinator or Compliance Officer shall review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form. The Title IX Coordinator or Compliance Officer 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 or Compliance Officer shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator or Compliance Officer shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in this Attachment, or if the reported circumstances meet the definition and parameters of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 2, or other applicable Board policies.

If the Title IX Coordinator or Compliance Officer determines that the report should be addressed through the discrimination complaint procedures, the Compliance Officer shall be notified and the complaint procedures in this Attachment are implemented.

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

Step 2 – Initial Communications/Supports

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

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

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

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

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

Informal Remedies -

At any time after a complaint has been reported, if the Compliance Officer or Coordinator believes the circumstances are appropriate, the Compliance Officer or Coordinator may offer the parties involved in the complaint the opportunity to participate in informal remedies to address the reported conduct. Informal remedies can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties,

restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services, or other measures to support the parties.

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

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

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

Step 3 – Investigation

The Compliance Officer or Coordinator shall assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer or Coordinator or an attorney and shall promptly assign the investigation to that individual. When a parent/guardian has requested confidentiality and will not consent to the alleged victim's participation in an investigation, the Compliance Officer or Coordinator 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 Board policy, and any other information appropriate to the specific complaint.

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

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

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the respondent may suggest additional witnesses and provide other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct

which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the respondent, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, 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 Compliance Officer or 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 delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation, and the reason for such delay shall be documented by the investigator.

Step 4 – Investigative Report

The investigator shall prepare and submit a written report to the Compliance Officer or the Coordinator within thirty (30) school days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Compliance Officer or 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 investigative report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated Board Policy 103 and of any other

violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discrimination or harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of Board policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

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

Step 5 – District Action

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

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 103 or these procedures, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary. (Pol. 113.1, 218, 233, 247, 249)

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 317, 317.1)

Appeal Procedure

If the complainant or the respondent is not satisfied with a finding made pursuant to these procedures or with recommended corrective action, they may submit a written appeal to the

Compliance Officer or Coordinator within fifteen (15) school days of receiving notification of the outcome of the investigation. If the Compliance Officer or Coordinator investigated the complaint, such appeal shall be made to the Superintendent or designee.

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

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

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

TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

Attachment 2

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

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

Definitions

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

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

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

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

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

The following actions shall not constitute retaliation:

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

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

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

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work or housing locations.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.

10. Assistance from domestic violence or rape crisis programs.

11. Assistance from community health resources including counseling resources.

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

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

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

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.

3. Sexual assault, dating violence, domestic violence or stalking.

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

1) Length of relationship.

2) Type of relationship.

3) Frequency of interaction between the persons involved in the relationship.

b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom

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

c. **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

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

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

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

TITLE IX SEXUAL HARASSMENT PROCEDURES

General Response – (with or without a formal complaint)

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

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

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

Parents/Guardians of students have the right to act on behalf of the complainant, the respondent, or other individual at any time.

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

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

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

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

1. Meets the definition of Title IX sexual harassment.
2. Occurred in a district program or activity under the control of the district and against a person in the United States.
3. Involves other Board policies or the Code of Student Conduct.

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

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under the Code of Student Conduct and other Board policies or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations. (Pol. 103, 103.1, 113.1, 218, 247, 249, 252, 317, 317.1)

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

The Title IX Coordinator shall contact the parents/guardians and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.

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

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

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

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

1. Individuals making a report or formal complaint.
2. Complainant(s).
3. Respondent(s).
4. Witnesses.

The district shall treat complainants and respondents equitably by:

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

Disciplinary Procedures When Reports Allege Title IX Sexual Harassment -

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

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

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

Supportive Measures -

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

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

Reasonable Accommodations –

Throughout the Title IX sexual harassment procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 138, 251, 832)

Emergency Removal –

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

removal status. (20 U.S.C. Sec. 1400 et seq. ; 29 U.S.C. Sec. 794 ; 42 U.S.C. Sec. 12101 et seq. ; 34 CFR 106.44 ; Pol. 103.1, 113.1, 233)

Administrative Leave -

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

An accused nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract. (29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12101 et seq., 34 CFR 106.44, Pol. 317)

Required Reporting Under Other Policies -

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 806, 824)

Timeframes

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

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

1. The absence of a party, a party's advisor or a witness.

2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

Redirection or Dismissal of Title IX Formal Complaints

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

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

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

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

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

Consolidation of Title IX Formal Complaints

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

GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

Step 1 – Formal Complaint

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

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

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

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

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

Notice Requirements -

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, and the parents/guardians of known parties, where applicable, providing the following information:

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

Step 2 – Informal Resolution Process

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

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

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

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

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

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within ten (10) school days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator shall document the informal resolution process, responses from all parties, and an explanation of why the district's response was not deliberately indifferent to the reported complaint of sexual harassment.

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

Step 3 – Investigation

The designated investigator, if other than the Title IX Coordinator, shall work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation. The investigation stage shall be concluded within thirty (30) school days.

When investigating a formal complaint, the investigator shall:

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

4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

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

5. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The district may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.

6. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to prepare to participate:

- a. Date.
- b. Time.
- c. Location.
- d. Participants.
- e. Purpose of all investigative interviews or other meetings.

7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the district does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

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

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

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

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

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator, who shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Board policy. (Pol. 218, 317.1, 806)

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

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

Step 4 – Written Determination and District Action

Designation of Decision-Maker -

To avoid any conflict of interest or bias, the decision-maker cannot be the same person as the Title IX Coordinator or the investigator. The responsibility as the decision-maker for complaints of Title IX sexual harassment shall generally be designated to the Superintendent/Designee.

If the Superintendent/Designee has a conflict of interest or is a party in the formal complaint process, they shall disclose the conflict and the Title IX Coordinator shall designate another individual to serve as the decision-maker.

Written Determination Submissions -

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

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

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

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

Written Determination -

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

The clear and convincing evidence standard, meaning that the party bearing the burden of proof must show that the truth of the allegations is highly probable.

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

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

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

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

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

The Title IX Coordinator shall be responsible to ensure that any remedies are implemented by the appropriate district officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities. (Pol. 113.1, 218, 233, 317, 317.1)

Appeal Process

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

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

Written notice of a party's appeal shall be submitted to the Title IX Coordinator within five (5) school days after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

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

District solicitor or outside counsel.

For all appeals, the designated appeal authority shall:

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

Supporting statements must be submitted to the appeal authority and provided to the other party within ten (10) school days of the written notice of appeal.

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

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

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

Recordkeeping

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

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

Template for Letter Documenting Parental Objection to Child's Participation in an Investigation

[DISTRICT LETTERHEAD]

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 [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 [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:

Sincerely,

Title IX Coordinator/Compliance Officer

Book	Policy Manual
Section	100 Programs
Title	Discrimination/Title IX Sexual Harassment Affecting Staff
Code	104
Status	First Reading-September 29, 2020 From PSBA

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

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a **report**, and the investigation **related to any form of discrimination or retaliation, including Title IX sexual harassment**, shall be handled in accordance with **applicable law, regulations**, this policy, **the attachments** and the district's legal and investigative obligations. [\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)

Retaliation

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

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

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

Definitions

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

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

Discrimination

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

Harassment is a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related work performance, including when: [\[9\]](#)

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

Definitions Related to Title IX Sexual Harassment

Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase “document filed by a complainant” refers to a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.[\[15\]](#)[\[18\]](#)

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.[\[18\]](#)

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:[\[18\]](#)

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

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

1. **A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.**
2. **Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.**
3. **Sexual assault, dating violence, domestic violence or stalking.**
 - a. ***Dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:**[\[19\]](#)
 - i. **Length of relationship.**
 - ii. **Type of relationship.**
 - iii. **Frequency of interaction between the persons involved in the relationship.**
 - b. ***Domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.**[\[19\]](#)
 - c. ***Sexual assault* means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.**[\[20\]](#)
 - d. ***Stalking*, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:**[\[19\]](#)

- i. **Fear for their safety or the safety of others.**
- ii. **Suffer substantial emotional distress.**

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

Delegation of Responsibility

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

The Senior Director of Operations and Administrative Services as the district's Compliance Officer and Assistant to the Superintendent/Assistant Superintendent as the district's Title IX Coordinator.

The Compliance Officer can be contacted at:

Address: 1775 McLaughlin Run Road

Email: rcarson@uscsd.k12.pa.us

Phone Number: 423-833-1600, ext. 2063

The Title IX Coordinator can be contacted at:

The Title IX Coordinator can be contacted at:

**Address: 1775 McLaughlin Run Road
 Pittsburgh, PA 15241**

Email: apfender@uscsd.k12.pa.us

mharkleroad@uscsd.k12.pa.us

Phone Number: (412) 833-1600 Ext. 2214

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.

PSBA Revision 7/20 © 2020 PSBA

Legal References

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

Replaced the following policies:

Policy 3003 - Equal Opportunity adopted November 11, 1974 and revised May 8, 1978, January 12, 1987 and January 24, 2005

Policy 3016 - Sexual Discrimination or Harassment Toward Students or Employees adopted March 13, 1989

Policy 5312 - No Harassment Policy adopted April 26, 2011

**DISCRIMINATION
COMPLAINT PROCEDURES
Attachment 1**

The Discrimination Complaint Procedures prescribed in this Attachment apply to reports of retaliation or discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability that do not constitute Title IX sexual harassment as defined in Policy 104.

All reports of discrimination shall be reviewed by the Title IX Coordinator upon receipt to determine if the allegations meet the definition and parameters of sexual harassment under Title IX. If the result of this review determines that the allegations fall within the scope of Title IX sexual harassment, then the process set forth in Policy 104 Attachment 3 for Title IX Sexual Harassment shall be followed.

All reports of discrimination and retaliation brought pursuant to the district's discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 104 but merits review and possible action under other Board policies or the Code of Student Conduct for students. (Pol. 103.1, 218,317)

Definitions

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

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

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, 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 the 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:

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.

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

Reasonable Accommodations

Throughout the discrimination complaint procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 104, 113, 832, 906)

Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building principal, building administrator or Compliance Officer shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 805.1, 806, 824)

Timeframes

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

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

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

PROCEDURES FOR COMPLAINTS OF DISCRIMINATION

Step 1 – Reporting

An employee or individual who believes they have been subject to discrimination by any district student, employee or third party is encouraged to immediately report the incident to the building principal using the Discrimination/Sexual Harassment/Retaliation Report Form or by making a general report verbally or in writing 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 a student is identified as a party in the report, parents/guardians have the right to act on behalf of the student at any time.

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

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

If the building principal or building administrator is the subject of a complaint, the person making the report shall report the incident directly to the Title IX Coordinator and/or Compliance Officer.

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

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

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in this Attachment, or if the reported circumstances meet the definition and parameters of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 2, or other applicable Board policies.

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

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

Step 2 – Initial Communications/Supports

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

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

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

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

Informal Remedies -

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

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

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

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

Step 3 – Investigation

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

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

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

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

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

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

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

Step 4 – Investigative Report

The investigator shall prepare and submit a written report to the Compliance Officer within thirty (30) school days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Compliance Officer to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The investigative report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated Board Policy 104 and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discrimination or harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of Board policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

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

Step 5 – District Action

If the investigation results in a finding that some or all of the allegations of the discrimination complaint are founded and constitute a violation of Board policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The

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

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 104 or these procedures, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary. (Pol. 113.1, 218, 233, 317)

Disciplinary actions shall be consistent with Board policies and administrative regulations, the Code of Student Conduct for students, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 317, 317.1)

Appeal Procedure

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

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

The person handling the appeal shall prepare a written response to the appeal within 15 school days.

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

TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

Attachment 2

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

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

Definitions

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

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

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

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

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

The following actions shall not constitute retaliation:

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

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

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

1. Counseling or Employee Assistance Program.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work locations.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.

10. Assistance from domestic violence or rape crisis programs.

11. Assistance from community health resources including counseling resources.

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

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

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.

3. Sexual assault, dating violence, domestic violence or stalking.

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

1) Length of relationship.

2) Type of relationship.

3) Frequency of interaction between the persons involved in the relationship.

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

c. **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

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

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

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

TITLE IX SEXUAL HARASSMENT PROCEDURES

General Response – (with or without a formal complaint)

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

A report may be made at any time, including during nonbusiness hours. Verbal reports shall be documented by the Title IX Coordinator or employee receiving the report using the Discrimination/Sexual Harassment/Retaliation Report Form, and these procedures shall be implemented appropriately.

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

If a student is identified as a party in the report, parents/guardians have the right to act on behalf of the student at any time.

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

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

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

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

1. Meets the definition of Title IX sexual harassment.
2. Occurred in a district program or activity under the control of the district and against a person in the United States.
3. Involves other Board policies or the Code of Student Conduct.
4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. (Pol. 103.1, 113)

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under other Board policies, the Code of Student Conduct or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations. (Pol. 103, 103.1, 113.1, 218, 317, 317.1)

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

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

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

Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.4, 216, 324)

1. Individuals making a report or formal complaint.
2. Complainant(s).
3. Respondent(s).
4. Witnesses.

The district shall treat complainants and respondents equitably by:

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

Supportive Measures -

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

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

Reasonable Accommodations –

Throughout the Title IX sexual harassment procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 104, 113, 832, 906)

Employee Disciplinary Procedures When Reports Allege Title IX Sexual Harassment -

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

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, non student 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.

Required Reporting Under Other Policies -

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 317.1, 805.1, 806, 824)

Timeframes

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

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

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

Redirection or Dismissal of Title IX Formal Complaints

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

1. A complainant provides written notification of withdrawal of any allegations or of the formal complaint.

2. The respondent is no longer enrolled or employed by the district in a district program or activity.
3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

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

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

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

Consolidation of Title IX Formal Complaints

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

GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

Step 1 – Formal Complaint

The district is required to initiate the grievance process for formal complaints when a complainant files a formal complaint. The Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are not a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be

warranted if allegations are true, if the respondent is a supervisor, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. Only the Title IX Coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

The complainant or the Title IX Coordinator shall use the designated section of the Discrimination/Sexual Harassment/Retaliation Report Form to file or sign a formal complaint.

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

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

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

Notice Requirements -

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, and the parents/guardians of known parties, if applicable, providing the following information:

1. Notice of the district's grievance process for formal complaints and any informal resolution process that may be available.
2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - a. The identity of the parties involved, if known.

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

Step 2 – Informal Resolution Process

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

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

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

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

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

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within ten (10) school days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator shall document the informal resolution process, responses from all parties, and an explanation of why the district's response was not deliberately indifferent to the reported complaint of sexual harassment.

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

Step 3 – Investigation

The designated investigator, if other than the Title IX Coordinator, shall work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what

records or evidence may be relevant to the investigation. The investigation stage shall be concluded within thirty (30) school days.

When investigating a formal complaint, the investigator shall:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the district obtains the voluntary, written consent of the party, or the party's parent/guardian when legally required, the district cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party. (For students - Pol. 113.4, 207, 209, 216; Safe2Say Something Procedures)
 2. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
 3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
 4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- { } However the district may request a nondisclosure agreement be signed by the parties and their advisor(s), if any, stating that they will not disseminate or disclose evidence and documents exchanged in the investigation.
5. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The district may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.
 6. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to prepare to participate:

- a. Date.

- b. Time.
- c. Location.
- d. Participants.
- e. Purpose of all investigative interviews or other meetings.

7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the district does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

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

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

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

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

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator, who shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Board policy. (Pol. 218, 317.1, 805.1, 806)

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

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

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

Step 4 – Written Determination and District Action

Designation of Decision-Maker -

To avoid any conflict of interest or bias, the decision-maker cannot be the same person as the Title IX Coordinator or the investigator. The responsibility as the decision-maker for complaints of Title IX sexual harassment shall generally be designated to the Superintendent/Designee.

If the Superintendent/Designee has a conflict of interest or is a party in the formal complaint process, they shall disclose the conflict and the Title IX Coordinator shall designate another individual to serve as the decision-maker.

Written Determination Submissions -

A written determination of responsibility (written determination) must not be finalized less than ten (10) days after the investigator completes the investigative report and provides it to all parties. Before the decision-maker reaches a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that

a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party.

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

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

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

Written Determination -

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

The clear and convincing evidence standard, meaning that the party bearing the burden of proof must show that the truth of the allegations is highly probable.

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

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

1. Identification of the allegations potentially constituting Title IX sexual harassment.
2. A description of the procedural steps taken from the receipt or signing of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.

3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the district's Board policies or Code of Student Conduct to the facts.
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. Determination regarding responsibility.
 - b. Disciplinary sanctions.
 - c. Remedies designed to restore or preserve equal access to the district's education program or activity that will be provided by the district to the complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the respondent.
6. The procedures, deadline and permissible bases for the complainant and respondent to appeal.

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

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

The Title IX Coordinator shall be responsible to ensure that any remedies are implemented by the appropriate district officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with Board policies and administrative regulations, the Code of Student Conduct, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities. (Pol. 113.1, 218, 233, 317, 317.1)

Appeal Process

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

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

Written notice of a party's appeal shall be submitted to the Title IX Coordinator within five (5) school days after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

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

District solicitor or outside counsel.

For all appeals, the designated appeal authority shall:

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

shall accompany the supporting statement, or it shall identify where such evidence may be found.

Supporting statements must be submitted to the appeal authority and provided to the other party within ten (10) school days of the written notice of appeal.

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

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

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

Recordkeeping

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

1. Each Title IX sexual harassment investigation, including any written determination and any audio or audiovisual recording or transcript, and disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity.

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

Book	Policy Manual
Section	200 Pupils
Title	Immunizations and Communicable Diseases
Code	203
Status	Adopted - June 29, 2020
	Revised-First Reading-September 29, 2020
Legal	1. 24 P.S. 1303a 2. 28 PA Code 23.81 et seq 3. 28 PA Code 23.82 4. 22 PA Code 11.20 5. 28 PA Code 23.85 6. 28 PA Code 23.83 7. 28 PA Code 23.84 8. Pol. 200 9. Pol. 251 10. Pol. 255 11. 28 PA Code 27.77 12. Pol. 201 13. 28 PA Code 23.86 14. 28 PA Code 27.71 15. 28 PA Code 27.72 16. Pol. 204 17. 28 PA Code 27.1 18. 28 PA Code 27.2 19. 28 PA Code 27.23

20. 22 PA Code 4.29

21. 22 PA Code 4.4

22. Pol. 105.1

23. 24 P.S. 1402

24. Pol. 209

25. 24 P.S. 1409

Pol. 105.2

Authority

In order to safeguard the school community from the spread of certain communicable diseases, the Board requires that **guidance and orders from state and local health officials,** established **Board** policy and administrative regulations, **and Board-approved health and safety plans** be followed by students, parents/guardians and district staff.[\[1\]](#)[\[2\]](#)

Definitions

Certificate of Immunization - the official form furnished by the Pennsylvania Department of Health. The certificate is filled out by the parent/guardian or health care provider and signed by the health care provider, public health official or school nurse or a designee. The certificate is given to the school as proof of full immunization. The school maintains the certificate as the official school immunization record or stores the details of the record in a computer database.[\[3\]](#)

Medical Certificate - the official form furnished by the Pennsylvania Department of Health setting out the immunization plan for a student who is not fully immunized, filled out and signed by a physician, certified registered nurse practitioner or physician assistant, or by a public health official when the immunization is provided by the Department of Health or a local health department, and given to a school as proof that the student is scheduled to complete the required immunizations.[\[3\]](#)

Guidelines

Immunization

All students shall be immunized against specific diseases in accordance with state law and regulations, unless specifically exempt for religious or medical reasons. [\[1\]](#)[\[2\]](#)[\[4\]](#)

A certificate of immunization shall be maintained as part of the health record for each student, as required by the Pennsylvania Department of Health. [\[5\]](#)

A student shall be exempt from immunization requirements whose parent/guardian objects in writing to such immunization on religious grounds or whose physician certifies that the student's physical condition contraindicates immunization. [\[1\]](#)[\[4\]](#)[\[6\]](#)[\[7\]](#)

A student who has not been immunized in accordance with state regulations shall not be admitted to or permitted to attend district schools, unless exempted for medical or religious reasons, or provisionally admitted by the Superintendent or designee after beginning a multiple dose vaccine series and submitting proof of immunization or a medical certificate on or before the fifth school day of attendance, **or in accordance with programs or guidance established by the PA Department of Health.** [\[1\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)

Homeless students who have not been immunized or are unable to provide immunization records due to being homeless shall be admitted in accordance with the provisions of applicable law and regulations. [\[5\]](#)[\[8\]](#)[\[9\]](#)

Foster care students and students transferring into a school within the Commonwealth shall be admitted in accordance with law and regulations, and shall have thirty (30) days to provide proof of immunization, a medical certificate detailing the plan to complete a multiple dose vaccine series or to satisfy the requirements for an exemption. [\[5\]](#)[\[10\]](#)

Monitoring of immunization requirements shall be the responsibility of the Superintendent or designee and the school nurse. [\[1\]](#)

The Superintendent or designee shall:

1. Ensure that parents/guardians are informed prior to a student's admission to school, or a grade requiring additional immunizations, of the requirements for immunization, the requisite proof of immunization, exemption available for religious or medical reasons, and means by which such exemptions may be claimed. [\[1\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[12\]](#)

2. Designate school personnel to review student medical certificates in accordance with law and regulations to ensure compliance with full immunization requirements.[\[3\]](#)[\[5\]](#)
3. Annually review state standards for immunization and direct the responsible district personnel accordingly.
4. Investigate and recommend to the Board district-sponsored programs of immunization that may be warranted to safeguard the health of the school community. Such program shall be subject to Board approval and may be conducted in cooperation with local health agencies.

The Superintendent or designee shall report immunization data electronically to the **PA** Department of Health by December 31 of each year. If the district is unable to complete the report electronically, the Superintendent or designee shall report the immunization data on the required form to the **PA** Department of Health by December 15.[\[13\]](#)

Communicable Diseases

The Board **directs** that students who have been diagnosed by a physician or are suspected of having a disease by the school nurse shall be excluded from school for the period indicated by regulations of the **PA** Department of Health **or guidance from state or local health officials** for certain specified diseases and infectious conditions.[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)

Parents/Guardians shall be notified of this policy at the beginning of the school year, and that during the school year it may be necessary for a student to be excluded from school due to communicable disease. Parents/Guardians of a student needing to be excluded shall be notified and required to come to school or have a designated emergency contact come to school to transport the student home or to an appropriate place of care. Students may return to school when the criteria for readmission following a communicable disease, as set forth in law, regulations or guidance from state or local health officials, have been met.[\[14\]](#)[\[15\]](#)[\[16\]](#)

The Board directs school staff to request emergency contact information from parents/guardians of students at the beginning of each school year and request that it be updated as necessary during the school year.

The school nurse shall report the presence of suspected communicable diseases to the appropriate local health authority, as required by the **PA** Department of Health.[\[17\]](#)[\[18\]](#)[\[19\]](#)

The Superintendent or designee shall direct that health guidelines, **Board-approved health and safety plans**, and universal precautions designed to minimize the transmission of communicable diseases be implemented in district schools.

Instruction regarding prevention of communicable and life-threatening diseases shall be provided by the schools in the educational program for all levels, in accordance with state regulations.[\[20\]](#)

Parents/Guardians shall be informed of and be provided opportunities during school hours to review all curriculum materials used in instruction relative to communicable and life-threatening diseases **in accordance with Board policy**.[\[20\]](#)[\[21\]](#)[\[22\]](#)

Health Records

A comprehensive health record shall be maintained for each student enrolled in the district. The record shall include the results of required tests, measurements, screenings, regular and special examinations, and medical questionnaires.[\[23\]](#)[\[24\]](#)

All health records shall be confidential, and their contents shall be divulged only when necessary for the health of the student or to a physician at the written request of the parent/guardian. **The district may disclose information from health records to appropriate parties in connection with an emergency when necessary to protect the health or safety of the student or other individuals, in accordance with applicable law and Board policy.**[\[25\]](#)[\[26\]](#)[\[27\]](#)[\[28\]](#)[\[29\]](#)[\[30\]](#)

Additional Information:

List of required immunizations can be found at 28 PA Code Sec. 23.83.

Please remove the following language when writing policies and note on cross-reference that the language is too broad:

The district shall require parents/guardians to annually complete a medical history report form that includes information regarding known communicable diseases.

Revision to Policy 203 adopted on June 29, 2020 which replaced Policy 4007.2 – Communicable Diseases and Immunization adopted September 8, 1986

203-AR-1 IMMUNIZATION REQUIREMENTS

The district must exclude students who have not obtained the required immunizations outlined below from admittance or attendance until they provide proof of immunization or immunity, or if the student's circumstances fall within the following provisions:

1. Exempt for medical or religious reasons, in accordance with law, regulations and Board policy.
2. Homeless student who has not been immunized or is unable to provide immunization records, in accordance with law, regulations and Board policy.
3. Foster care student or student transferring into a school within the Commonwealth, who must meet the requirements listed below.
4. Provisionally admitted by the Superintendent or designee after beginning a multiple dose vaccine series and meeting the requirements listed below.
5. Admitted in accordance with applicable programs or guidance regarding school immunizations from the PA Department of Health.

Required for Attendance (K-12)

Diphtheria, tetanus and pertussis – four (4) or more properly spaced doses administered in a combination form (diphtheria, and tetanus toxoids and acellular pertussis (DTaP) or diphtheria and tetanus toxoids and pertussis (DTP)). If the student has a contraindication to pertussis vaccine, the student shall receive diphtheria-tetanus toxoid vaccine (DT) to complete the vaccination series. The fourth dose will be administered on or after the fourth birthday.

Poliomyelitis – four (4) properly spaced doses of either oral polio vaccine or inactivated polio vaccine, which may be administered as a single antigen vaccine, or in a combination form. The fourth dose shall be administered on or after the fourth birthday and at least six (6) months after the previous dose.

Measles (rubeola), mumps and rubella (German measles) – One (1) of the following:

1. Multiple antigens – two (2) properly spaced doses of live attenuated measles, mumps, rubella combination vaccine, the first dose administered at twelve (12) months of age or older.
2. Single antigens – in the event the antigens were given separately, and not in a combination vaccine, the dosage is as follows:

- a. Two (2) properly spaced doses of live attenuated measles vaccine, the first dose administered at twelve (12) months of age or older.
- b. One (1) dose of live attenuated rubella vaccine, administered at twelve (12) months of age or older.
- c. Two (2) properly spaced doses of live attenuated mumps vaccine, administered at twelve (12) months of age or older.

3. Evidence of immunity – may be shown by a history of measles and rubella immunity proven by laboratory testing by a laboratory with the appropriate certification and a written statement of a history of mumps disease from a physician, certified registered nurse practitioner or physician assistant.

Hepatitis B – three (3) properly spaced doses, or a two (2) dose vaccine regimen approved by the Food and Drug Administration, or documented immunity through a laboratory test. The vaccine may be administered as a single antigen vaccine or in a combination form.

Varicella (Chickenpox) – two (2) properly spaced doses with the first dose administered at twelve (12) months of age or older, which may be administered as a single antigen vaccine or in combination form. Evidence of immunity may be shown by a laboratory test or by a written statement from a physician, certified registered nurse practitioner or physician assistant.

Specific immunization schedules and additional information is available from Health Services.

Required for Entry Into 7th Grade/School Year When Student Turns Twelve (12) Years of Age

In addition to those required for attendance in K through 12, the following immunizations are required for entry into 7th grade or, in an ungraded class, in the school year when the student turns twelve (12) years of age:

- 1. Tetanus and diphtheria toxoids and acellular pertussis (Tdap) – one (1) dose of Tdap in a combination form.
- 2. Meningococcal Conjugate Vaccine (MCV) – one (1) dose.

Required for Entry Into 12th Grade/School Year When Student Turns Eighteen (18) Years of Age

In addition to those required for attendance in K through 12, the following immunization is required for entry into 12th grade or, in an ungraded class, in the school year when the student turns eighteen (18) years of age:

1. Meningococcal Conjugate Vaccine (MCV) – one dose. A dose of MCV received at the age of sixteen (16) years or older shall count as the 12th grade dose.

Vaccination Administration Grace Period

A vaccine dose administered within the four-day period prior to the minimum age for the vaccination or prior to the end of the minimum interval between doses will be considered a valid dose of the vaccine. A vaccine dose administered more than four (4) days prior to the minimum age or interval will be considered invalid, and the dose will have to be repeated. **This grace period is not applicable for use with the 28-day minimum interval between two live vaccines.**

Proof of Immunizations

Prior to or at school registration, parents/guardians will be informed in writing of the requirement to provide proof of immunizations.

Parents/Guardians of students who will be entering 7th and 12th grades shall also be provided with written notice in the school year prior to the student's entry into 7th or 12th grade, informing them of the requirements for the additional immunizations.

School staff who register students for enrollment in district schools will provide enrollment information to the certified school nurse at each building. The certified school nurse will verify that the vaccine and/or pertinent health information is received for each student prior to being admitted to district schools, subject to the exceptions noted below.

School health staff will monitor health records for students entering 7th and 12th grades to ensure written proof of immunization is received prior to the student's entry into 7th or 12th grade.

Proof of a record of immunization, which is a written document showing the date immunizations were administered, includes the following:

1. Physician's record.
2. Baby book.
3. School health record.

4. Family Bible.
5. Health Passport.
6. Other states' official immunization documents.
7. International Health Certificate.
8. Immigration records.
9. Similar documents or history.

District staff will maintain a Certificate of Immunization, in paper or electronic format, for each student enrolled in district schools, in accordance with state regulations.

A sample [Certificate of Immunization](#) may be obtained from the PA Department of Health.

Provisional Attendance

State regulations require that any student who has not completed the full series of required immunizations and has not been exempted from immunization requirements in accordance with Board policy and these administrative regulations will not be permitted to attend district schools.

If a student has not received a vaccine that only requires a single dose on the student's first day of attendance that school year, the student will not be admitted to school.

If a student has received at least one (1) dose of a multiple dose vaccine series by the first day of attendance that school year, the school administrator, school nurse or designee may provisionally admit the student when one (1) of the following occurs:

1. The student will receive the final dose in a multiple dose vaccine series within five (5) school days of the first day of attendance. The parent/guardian must provide proof of immunization on or before the fifth day of school attendance.
2. The student will receive the next scheduled dose in a multiple dose vaccine series within five (5) school days of the first day of attendance. The parent/guardian must provide a medical certificate on or before the fifth school day of attendance, scheduling the additional required doses and detailing the plan for completion of all required immunizations.
3. When the next dose in a multiple dose vaccine series is not medically appropriate during the five (5) school days following the first day of attendance, the parent/guardian must provide a medical certificate on or before the fifth school day,

scheduling the additional required dose and detailing the plan for completion of all required immunizations.

The medical certificate shall contain the detailed plan to ensure completion of all required immunizations for a student who has been provisionally admitted. The immunization requirements must be completed in accordance with the requirements detailed in the medical certificate.

A sample [Medical Certificate](#) may be obtained from the PA Department of Health.

The medical certificate will be reviewed at least every thirty (30) days by the school administrator, school nurse or designee. If, upon review, the requirements have not been met, the school administrator or designee may exclude the student from school.

Exceptions to Immunization Requirements

The immunization requirements of the state regulations do not apply to students in the following circumstances:

1. Homeless Students – the student has not been immunized or is unable to provide immunization records due to being homeless. The school will comply with laws, regulations and Board policy pertaining to homeless students.
2. Transfer Students – a student transferring into a school within the Commonwealth who is unable to provide immunization records immediately upon enrollment.

Parents/Guardians of transfer students will have thirty (30) days to:

- a. Provide the immunization records showing proof of required immunizations.
- b. Complete the required immunizations.
- c. Complete the medical certificate detailing the plan to complete the course of required immunizations for multiple dose vaccines.

A student who is unable to complete one (1) of the above requirements in thirty (30) days may be excluded at the end of the thirty-day period.

3. Foster Care Students – a student has not been immunized or is unable to provide immunization records due to being in foster care. The school will comply with laws, regulations and Board policy pertaining to foster care students.

Parents/Guardians of foster care students will have thirty (30) days to:

- a. Provide the immunization records showing proof of required immunizations.
- b. Complete the required immunizations.
- c. Complete the medical certificate detailing the plan to complete the course of required immunizations for multiple dose vaccines.

A student who is unable to complete one (1) of the above requirements in thirty (30) days may be excluded at the end of the thirty-day period.

PA Department of Health Temporary Waiver or Suspension -

The Pennsylvania Secretary of Health may issue a temporary waiver or suspension of the immunization requirements in cases where the Centers for Disease Control and Prevention recognize a nationwide shortage of a particular vaccine, or in the event an emergency or disaster impacts the ability of children to obtain immunizations or their immunization records.

School health staff will document a temporary suspension or waiver with the health records of students impacted by the suspension or waiver.

Reporting Immunization Data

The designated district administrator will report required immunization data to the PA Department of Health electronically by December 31 of each year, using a format and system provided by the Department of Health.

If the district will be unable to complete the report electronically, the designated district administrator will report the required immunization data to the Department of Health by December 15 of each year, using the form provided by the Department.

Duplicate reports will be submitted to the county health department if the school is located in a county with a full-time health administrator.

The school administrator or the administrator's designee will ensure that the school's identification information, including the name of the school, school district, county and school address, is correct, and will make any necessary corrections, prior to submitting the report.

Content of the reports will include the following information:

1. The month, day and year of the report.

2. The number of students attending school in each grade level, or in an ungraded school in each age group, as indicated on the reporting form.
3. The number of doses of each individual antigen given in each grade level, or in an ungraded school, in each age group, as indicated on the reporting form.
4. The number of students attending school who were classed as medical exemptions in each grade-level, or in an ungraded school, in each age group, as indicated on the reporting form.
5. The number of students attending school who were classed as religious exemptions in each grade level, or in an ungraded school, in each age group, as indicated on the reporting form.
6. The number of students provisionally admitted in each grade level or, in an ungraded school, in any age group as indicated on the reporting form.
7. The number of students in kindergarten or 7th grade, or in an ungraded school, twelve (12) years of age only, who were denied admission because of the student's inability to provide documentation of the required vaccine doses.
8. Other information as required by the Department of Health.

Resources

Resources from the PA Department of Health will assist school staff in reviewing student health records and immunization documents to ensure compliance with state requirements, and communicate required information to parents/guardians and the community:

<https://www.health.pa.gov/topics/programs/immunizations/Pages/School.aspx>

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203-AR-2. COMMUNICABLE DISEASES/ATTENDANCE

Exclusion of Students With Communicable Diseases

Students with any of the communicable diseases noted below will be excluded from school attendance for the days noted for each disease, in accordance with state regulations:

1. Chicken Pox – five (5) days from appearance of the first crop of vesicles, or when all the lesions have dried and crusted, whichever is sooner.
2. Diphtheria – two (2) weeks from onset or until appropriate negative culture tests.
3. German Measles (Rubella) – four (4) days from onset of rash.
4. Infectious Conjunctivitis (Pink Eye) – until no discharge is present.
5. Measles – four (4) days from onset of rash.
6. Mumps – nine (9) days from onset or until swelling subsides.
7. Neisseria Meningitidis (Meningitis) – until deemed noninfective after a course of medication or until otherwise shown to be noninfective.
8. Pertussis (Whooping Cough) – three (3) weeks from onset or five (5) days from commencement of appropriate antimicrobial therapy.
9. Respiratory Streptococcal Infections including Scarlet Fever – at least ten (10) days from the onset if no physician is in attendance or twenty-four (24) hours after commencement of appropriate antimicrobial therapy.
10. Tuberculosis – following a minimum of two (2) weeks adequate chemotherapy and three (3) consecutive negative morning sputum smears, if obtainable and a physician's statement that the student is able to return to school.

Students who have been excluded for the following communicable diseases will be permitted to return to school immediately following the first treatment:

1. Ringworm – body lesions, except those lesions that have dried, will be covered.
2. Pediculosis Capitis – reexamination for infestation will take place seven (7) days post treatment.
3. Scabies.

Students who have been excluded for the following communicable diseases will be permitted to return to school twenty-four (24) hours following the first appropriate treatment:

1. Impetigo Contagiosa (Impetigo).
2. Trachoma.

Students may be excluded from school for additional communicable diseases or infectious conditions as determined by guidance and communications to the school nurse or designated staff from the PA Department of Health or other state or local health officials.

A student who has experienced a communicable disease will be permitted to attend school when the student is free of symptoms and has observed the exclusion period, or when other designated criteria set forth in guidance from state or local health officials has been met. If there is a question about a student returning to school after a communicable disease, the school nurse will make the final decision, in coordination with state or local health officials.

Exclusion of Students Showing Symptoms

Students with any of the symptoms noted below will be excluded from school attendance unless the student is determined by a school nurse or physician to be noncommunicable:

1. Mouth sores associated with inability to control saliva.
2. Rash with fever or behavioral change.
3. Purulent discharge from the eyes.
4. Productive cough with fever.
5. Oral or axillary temperature equal to or greater than **100.4 degrees Fahrenheit.**
6. Unusual lethargy, irritability, persistent crying, difficulty breathing or other signs of severe illness.
7. Persistent vomiting.
8. Persistent diarrhea.

The school will maintain a record of the exclusion and the reasons prompting the exclusion.

Students may be excluded from school for additional designated symptoms or signs of infectious conditions based on health monitoring by the school nurse or other designated staff, in accordance with guidance and communications from the PA Department of Health or other state or local health officials, and the Board-approved health and safety plan.

Students who have been excluded for such symptoms will be readmitted when the school nurse or physician is satisfied that the condition is not communicable, when the student presents a statement from a physician that the student has recovered or is noninfectious, or when other designated criteria set forth in guidance from state or local health officials has been met.

PSBA Revision 8/20
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Book	Policy Manual
Section	200 Pupils
Title	Health Examinations/Screenings
Code	209
Status	Adopted - June 29, 2020 Revised-First Reading-September 29, 2020
Legal	1. 24 P.S. 1401 2. 24 P.S. 1402 3. 24 P.S. 1403 4. 22 PA Code 12.41 5. 24 P.S. 1407 6. 28 PA Code 23.1 et seq 7. 24 P.S. 1405 8. 28 PA Code 23.2 9. 20 U.S.C. 1232h 10. 24 P.S. 1419 11. 28 PA Code 23.45 12. 24 P.S. 1406 13. 23 Pa. C.S.A. 6311 14. Pol. 806 15. 24 P.S. 1409 16. Pol. 113.4 17. Pol. 216 18. 20 U.S.C. 1232g 19. 34 CFR Part 99

20. Pol. 805

21. Pol. 800

24 P.S. 1401-1419

22 PA Code 403.1

23 Pa. C.S.A. 6301 et seq

Authority

In compliance with the **applicable law and regulations, and Board-approved health and safety plans**, the Board shall require that district students submit to health and dental examinations, **screenings and health monitoring** in order to protect the school community from the spread of communicable disease and to ensure that the student's participation in health, safety and physical education courses meets **the student's** individual needs and that the learning potential of each student is not lessened by a remediable physical disability.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)

Guidelines

Each student shall receive a comprehensive health examination conducted by the school physician upon original entry, in sixth grade, and in eleventh grade.[\[2\]](#)[\[4\]](#)[\[5\]](#)

Each student shall receive a comprehensive dental examination conducted by the school dentist upon original entry, in third grade, and in seventh grade.[\[3\]](#)[\[4\]](#)[\[5\]](#)

Proof of lead testing is required for all incoming kindergarten students per county guidance.

A private health and/or dental examination conducted at the parents'/guardians' request and expense shall be accepted in lieu of the school examination. The district shall accept reports of privately conducted physical and dental examinations completed within one (1) year prior to a student's entry into the grade where an exam is required.[\[5\]](#)

The school nurse or medical technician shall administer to each student vision tests, hearing tests, **scoliosis screening**, other tests deemed advisable, and height and weight

measurements, at intervals established by the district. Height and weight measurements shall be used to calculate the student's weight-for-height ratio. [\[2\]](#)[\[4\]](#)[\[6\]](#)

Parents/Guardians of students who are to receive physical and dental examinations or screenings shall be notified. The notice shall include the date and location of the examination or screening and notice that the parents/guardians may attend. The notice shall encourage the parent/guardian to have the examination or screening conducted by the student's private physician or dentist at the parent's/guardian's expense to promote continuity of care. Such statement may also include notification that the student may be exempted from such examination or screening if it is contrary to the parent's/guardian's religious beliefs. [\[7\]](#)[\[8\]](#)[\[9\]](#)

A student who presents a statement signed by the parent/guardian that a **health** examination is contrary to **the student's or parent's/guardian's** religious beliefs shall be examined only when the Secretary of Health determines that facts exist indicating that **certain conditions** would present a substantial menace to the health of others in contact with the student if the student is not examined **for those conditions**. [\[10\]](#)[\[11\]](#)

Where it appears to school health officials or teachers that a student deviates from normal growth and development, or where school examinations reveal conditions requiring health or dental care, the parent/guardian shall be notified of the apparent need for a special examination by the student's private physician or dentist. The parent/guardian shall report to the school whether a special examination occurred. If the parent/guardian fails to report whether the examination occurred within a reasonable time after being notified of the apparent need and the abnormal condition persists, appropriate school health personnel shall arrange a special **health** examination for the student. [\[2\]](#)[\[4\]](#)[\[12\]](#)

In the event that the parent/guardian objects to or refuses to obtain a regular or special **health** or dental examination or refuses to permit the child to be examined as arranged by the school nurse or school physician, the school nurse, in consultation with the school physician, shall determine whether the student appears to have unaddressed health conditions such that under the circumstances the refusal should be reported to the **PA** Department of Health or other appropriate authorities.

Where school health officials or staff have reasonable cause to suspect that a student may be the victim of child abuse, the school employee shall make a report of suspected child abuse in accordance with law and Board policy. [\[13\]](#)[\[14\]](#)

Health Monitoring

The Board directs district staff to monitor student health in accordance with applicable Board policy and the Board-approved health and safety plan.[15]

A student may request an alternative method of monitoring as a religious accommodation, and designated district staff shall assess and respond to such request in accordance with applicable law, regulations and Board policy. A request for an accommodation that would unreasonably impair safety or cause undue hardship will not be granted.[16]

A student with a health condition that may render a monitoring method ineffective should notify designated staff so that alternative or supplemental methods may be considered.[16][17]

Students who may be exhibiting symptoms that indicate health concerns shall be referred to the school nurse or designated staff for further assessment and response, in accordance with Board policy.[15]

Health Records

The district shall maintain for each student a comprehensive health record which includes a record of immunizations and the results of tests, measurements, regularly scheduled examinations and special examinations.[2]

All health records shall be confidential and shall be disclosed only when necessary for the health of the student or when requested by the parent/guardian, in accordance with law and Board policy.[15][16][17]

The district may disclose information from health records to appropriate parties in connection with an emergency when necessary to protect the health or safety of the student or other individuals, in accordance with applicable law and Board policy.[15][16][17][18][19][20]

Designated district staff shall request from the transferring school the health records of students transferring into district schools. Staff shall respond to such requests for the health records of students transferring from district schools to other schools.[15]

The district shall destroy student health records only after the student has not been enrolled in district schools for at least two (2) years.[15][21]

Delegation of Responsibility

The Superintendent or designee shall instruct all staff members to continually observe students for conditions that indicate health **concerns** or disability and to promptly report such conditions to the school nurse **or designated staff**.[\[2\]](#)

The Superintendent or designee shall ensure that notice is provided to all parents/guardians regarding the existence of and eligibility for the Children's Health Insurance Program (CHIP).[\[12\]](#)

Book	Policy Manual
Section	200 Pupils
Title	Hazing
Code	247
Status	Adopted - June 29, 2020
	Revised-First Reading Reading-September 29, 2020
Legal	1. 18 Pa. C.S.A. 2802 2. 18 Pa. C.S.A. 2803 3. 18 Pa. C.S.A. 2804 4. 18 Pa. C.S.A. 2808 5. 18 Pa. C.S.A. 2806 6. 18 Pa. C.S.A. 2801 7. 24 P.S. 511 8. 18 Pa. C.S.A. 2301 9. Pol. 122 10. Pol. 123 11. Pol. 103 12. Pol. 103.1 13. 18 Pa. C.S.A. 2810 14. 24 P.S. 1303-A 15. 22 PA Code 10.2 16. 35 P.S. 780-102 17. 24 P.S. 1302.1-A 18. 22 PA Code 10.21 19. 22 PA Code 10.22

20. Pol. 805.1

21. 22 PA Code 10.25

22. Pol. 218

23. Pol. 233

24. Pol. 317

18 Pa. C.S.A. 2801 et seq

22 PA Code 10.23

Pol. 113.1

Pol. 916

Purpose

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

Definitions

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

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

5. Endure brutality of a sexual nature.
6. Endure any other activity that creates a reasonable likelihood of bodily injury to the student.

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

1. The person acts with reckless indifference to the health and safety of the student; or
2. The person causes, coerces or forces the consumption of an alcoholic liquid or drug by the student.

Organizational hazing occurs when an organization intentionally, knowingly or recklessly promotes or facilitates hazing. [\[3\]](#)[\[4\]](#)

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

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

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

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

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

Authority

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

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

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

Title IX Sexual Harassment and Other Discrimination

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

Delegation of Responsibility

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

Guidelines

In addition to posting this policy on the district's publicly accessible website, the district shall inform students, parents/guardians, sponsors, volunteers and district employees of the district's policy prohibiting hazing, including district rules, penalties for violations

of the policy, and the program established by the district for enforcement of the policy by means of distribution of written policy; publication in handbooks; presentation at an assembly; and verbal instructions by the coach or sponsor at the start of the season or program.[\[4\]](#)

This policy, along with other applicable district policies, procedures and Codes of Conduct, shall be provided to all school athletic coaches and all sponsors and volunteers affiliated with a student activity or organization, prior to coaching an athletic activity or serving as a responsible adult supervising, advising, assisting or otherwise participating in a student activity or organization together with a notice that they are expected to read and abide by the policies, procedures and Codes of Conduct.[\[7\]](#)

Complaint Procedure

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

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

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

Interim Measures/Police

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

separation of alleged victims and perpetrators, and the determination of what the complaining student needs or wants through questioning.

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

Referral to Law Enforcement and Safe Schools Reporting Requirements –

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

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

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

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

Confidentiality

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

Retaliation

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

Consequences for Violations

Safe Harbor –

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

Students –

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

Nonstudent Violators/Organizational Hazing -

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

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

Criminal Prosecution –

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

Revision to Policy 247 adopted on June 29, 2020, which replaced Policy 6009 – Hazing adopted September 26, 2016

**DISCRIMINATION/SEXUAL HARASSMENT/BULLYING/
HAZING/DATING VIOLENCE/RETALIATION REPORT
FORM**

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

Position: _____

Address: _____

Email: _____

Phone Number: _____

**Retaliation
Prohibited**

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

Confidentiality

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

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

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

I am

a:

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

☐ Other _____ (please explain relationship to the district)

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

Name: _____

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

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

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

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

Name(s):

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

☐ Student(s) ☐ Employee(s)

☐ Other _____ (please explain relationship to the district)

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

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

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

Where did the reported conduct take place?

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

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

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

☐ Yes ☐ No

If yes, who did you tell about it?

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

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

Person Making the Report Date

Signature of

Received By Date

FOR OFFICIAL USE ONLY

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

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

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

**I. Reporter
Information:**

Name: _____

Address: _____

Phone Number: _____

School Building: _____

Reporter is
a:

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

☐ Other _____ (please explain relationship to the district)

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

Name: _____

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

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

II. Respondent Information

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

Name(s):

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

☐ Student(s) ☐ Employee(s)

☐ Other _____ (please explain relationship to the district)

III. Level of Report:

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

IV. Type of Report:

☐ Title IX Sexual Harassment ☐ Discrimination ☐ Retaliation ☐ Bullying

☐ Hazing ☐ Dating Violence ☐ Other _____

Nature of the Report (check all that apply):

- ☐ Race ☐ Age
- ☐ Color ☐ Creed
- ☐ Religion ☐ Sex
- ☐ Sexual Orientation ☐ Sexual Harassment (Title IX)
- ☐ National Origin ☐ Ancestry
- ☐ Marital Status ☐ Pregnancy
- ☐ Handicap/Disability ☐ Bullying
- ☐ Hazing ☐ Dating Violence

V. Reported Conduct

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

How often did the conduct occur?

Is it being repeated? ☐ Yes ☐ No

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

☐

No.

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

Date Director of Special Education was contacted:

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

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

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

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

VI. Safety Concerns

Are there safety concerns that may require Emergency Removal of or Administrative Leave for a respondent? (This requires an individualized safety and risk analysis as to whether there is an

immediate threat to the physical health or safety of a student or other individual.)

☐

No.

☐ Yes, please
describe:

VII. Other Reports

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

☐

No

☐ Yes Date reported: _____ Agency: _____

VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

- ☐ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students
- ☐ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff
- ☐ Policy 247. Hazing
- ☐ Policy 249. Bullying
- ☐ Policy 252. Dating Violence
- ☐ Other

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

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

☐

Yes

☐

No

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

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

☐ Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.

☐ Sexual assault, dating violence, domestic violence or stalking.

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

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

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

jurisdiction.

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

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

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

IX. Recommended Course of Action

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

☐ No further action at this time. Reason:

- ☐ Policy 247. Hazing
 - ☐ Policy 249. Bullying
 - ☐ Policy 252. Dating Violence
 - ☐ Other
-

☐ Policy 103 Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 2
Discrimination Complaint
Procedures

☐ Policy 104 Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 2
Discrimination Complaint
Procedures

☐ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints

- Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints

X. Title IX Information to Complainant

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

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

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

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

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

XI. Title IX Coordinator Signature

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

Title IX Coordinator: _____

Date: _____

XII. Title IX Formal Complaint Action

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

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

☐ Yes ☐ No

Complainant's Signature: _____

Date: _____

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

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

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

Title IX Coordinator's Signature: _____

Date: _____

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**247-AR-2. NOTICE TO COMPLAINANT AND/OR
PARENTS/GUARDIANS OF COMPLAINANT**

To: [Parents/Guardians if appropriate; Student if fourteen (14) or older]

From:

Subject: Report of Being Subjected to Hazing

Date:

The elimination of improper conduct, including hazing, is a high priority for the district. It is the established policy of the Board to prohibit all forms of improper conduct, including hazing. A copy of the district's policy and administrative regulations are attached, and we urge you to read them and become familiar with their provisions. This notice is provided to highlight specific information related to the investigative process for, and resolution of, incidents of hazing.

1. If you believe that the allegations may involve acts of **Title IX sexual harassment or other** discrimination, please **promptly** notify me as this must be handled pursuant to a different policy and procedure. If, during the course of this investigation, it appears that the allegations may involve acts of **Title IX sexual harassment or other** discrimination, the matter will be transferred to **the Title IX Coordinator or Compliance Officer** to handle the complaint under **Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students** and its procedure.

2. The district will investigate allegations of hazing brought to its attention. The investigation will be conducted by _____. If you have any questions about the district's policy on hazing or this investigation, you may contact the investigator at the following address and telephone number:

3. During the investigation, you have the right to: (a) provide the district with information and documentation concerning the alleged hazing; (b) advise the district of the identity and location of any possible witness; and (c) all other rights set forth in law or in Board policy.

4. The district is interested in knowing what actions you are seeking in response to the alleged hazing. Although the district will determine the best way to address any misconduct, a collaborative dialogue may be a useful tool in addressing and eliminating hazing.

5. The district will take reasonable steps to preserve confidentiality and will take appropriate action to prevent public disclosure of the names of the parties involved, except to the extent necessary to carry out the investigation. The district is interested in knowing your views about confidentiality issues and will try to accommodate them, subject to the district being able to fulfill its commitment to eliminate hazing.

6. District employees, witnesses and students who are alleged to be perpetrators of hazing may be entitled to due process and may be protected by certain confidentiality rights. Subject to these rights, the district will make an effort to keep you advised of the progress of its investigation and, as appropriate or necessary, of any decisions it reaches concerning the situation. If you have any questions concerning the progress of the investigation or the actions taken by the district to remediate any hazing that may have occurred, please feel free to contact the investigator previously identified in this notice.

7. If you are dissatisfied with the progress of the investigation or the decision/resolution reached, you have the right to file a written request, no later than ten (10) days after you learn the investigation was completed, seeking a review by the Superintendent. The Superintendent will review the progress of the investigation, or the completed investigation, and the decision/resolution materials and communicate a response to you consistent with due process and other confidentiality rights of employees, witnesses and alleged perpetrators. This request may be filed by email to the Superintendent or by a letter addressed to the Superintendent outlining your reason for requesting a review. The contact information to use is:

Email address:

Postal address:

8. If it is concluded following the investigation that the allegations have merit and that action will be taken to remediate the situation, the district will follow up with you to avoid a recurrence of hazing. If there is any repeat of such conduct, or if you believe the complainant

or others involved in the investigation are being subjected to retaliation for their involvement, please notify the building principal immediately.

Thank you for your assistance and cooperation.

I hereby acknowledge receipt of this notice.

Date: _____

Signature: _____

247-AR-1. HAZING

Reporting of Incidents

Reports of hazing may be made verbally or in writing and may be anonymous, except where made by district staff. Any staff member who receives a report of hazing from any source will encourage the complainant/reporter to directly meet with and report the allegations to the building principal or designee. Staff members who receive a report of hazing will not directly investigate the allegations but will take appropriate action to protect the safety of involved students. Staff members who observe hazing or who receive a report of hazing will promptly provide a summary of what was observed or reported in a confidential email to the building principal.

Reports of hazing may come to the district from different sources. For purposes of these administrative regulations a “**reporter**” is someone, other than district staff, who makes a report alleging hazing directed at one or more students and a “**complainant**” is the alleged victim or target of hazing. There are various circumstances in which a complainant may be both a reporter and a complainant, for example, where more than one (1) person was subjected to hazing and only one (1) of them reports the matter.

The building principal or designee will encourage the complainant/reporter to promptly review and complete the **Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (Report Form)**. Oral and anonymous reports will be accepted, documented and investigated in accordance with Board policy and related administrative regulations. Where the complainant/reporter is not able, due to age or incapacitation, to complete **the Report Form**, the building principal or designee will interview the complainant/reporter and complete **the Report Form** and sign it as having received this report. If the initial report comes to the district from a reporter, the complainant and, in most circumstances, the complainant’s parents/guardians will be contacted promptly, informed of the report and, if they believe hazing has occurred, they will be encouraged to promptly review and complete the Report Form.

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

Every report of hazing will be subject to a sufficient investigation to address any misconduct, consistent with the protection and well-being of the complainant.

A complainant age fourteen (14) or older and the complainant's parents/guardians who are otherwise being notified of the report of alleged hazing will be provided with the Notice to Complainant and/or Parents/Guardians of Complainant at the outset of the investigation.

Investigation of Incidents

If, at the time of the report or at any time during the investigation of the reported hazing, there is reason to believe that the conduct may fall within the district's **Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students**, the **Title IX Coordinator must be promptly notified. Upon notification, the Title IX Coordinator will initiate the steps to comply with Policy 103 and its procedures.**

After determining that this matter need not be handled under **Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students**, the building principal will make an initial determination whether the alleged violations can be investigated by **the building principal** or a building level designee or must be referred to or discussed with the Superintendent or other appropriate central administrator to determine who will perform the investigation.

If the police have been called or a police report is known to have been made or if proven allegations could lead to an expulsion, the building principal will discuss this matter with the Superintendent or appropriate central administrator, who will consult with legal counsel as appropriate.

Unless the investigation is turned over to the Superintendent, central administrator or legal counsel, the building principal or designee will conduct a timely, impartial, thorough and comprehensive investigation of the alleged hazing. During the investigation, the investigator will use and complete the Investigative Fact Sheet.

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation will be maintained consistent with **applicable law, regulations and** the district's legal and investigative obligations necessary to enforce this policy.

The investigation may include the following steps based on the specifics of the allegations:

1. Identifying and interviewing the complainant.

2. Identifying and interviewing the individual(s) accused of having participated in the alleged hazing.
3. Identifying and interviewing any witnesses to the alleged hazing.
4. Review of any physical evidence or documents related to the alleged hazing.
5. Review of any other relevant evidence produced by those interviewed.
6. Any other reasonable investigation resulting from the information received during the course of the investigation or which the building principal deems necessary to reach a finding or address proven misconduct.

A report of hazing must be investigated even if the report is anonymous and even if the complainant/reporter states that s/he does not want the district to do anything.

Investigative Report Findings

Investigated reports of hazing will include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, 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.

The complainant/reporter and the accused will 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 will not be notified of the individual remedies offered or provided to the complainant.

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 **Board** policy, the district will take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district will promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the effect the prohibited conduct had on the complainant and the school or school program environment. District staff will document the corrective action taken and, where not prohibited by law, inform the complainant/reporter. The investigator will 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 will be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.

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

Book	Policy Manual
Section	200 Pupils
Title	Bullying/Cyberbullying
Code	249
Status	Adopted - June 29, 2020 Revised-First Reading-September 29, 2020
Legal	1. 24 P.S. 1303.1-A 2. Pol. 103 3. Pol. 103.1 4. Pol. 218 5. 22 PA Code 12.3 6. 20 U.S.C. 7118 7. 24 P.S. 1302-A 8. Pol. 236 9. Pol. 233 Pol. 113.1

Purpose

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

Definitions

Bullying means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting and/or

outside a school setting, that is severe, persistent or pervasive and has the effect of doing any of the following:[\[1\]](#)

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

Bullying, as defined in this policy, includes cyberbullying.

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

Authority

The Board prohibits all forms of bullying by district students.[\[1\]](#)

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

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

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

Discrimination/Discriminatory Harassment

Every report of alleged bullying that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination and discriminatory harassment shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer **and**

Title IX Coordinator. If, in the course of a bullying investigation, potential issues of discrimination or discriminatory harassment are identified, the **Title IX Coordinator** shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged bullying.[2][3]

Confidentiality

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

Retaliation

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

Delegation of Responsibility

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

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

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

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

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

1. Board's Bullying Policy.

2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention or education programs.

Guidelines

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

This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district website. [\[1\]](#)

Education

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

Consequences for Violations

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include: [\[1\]](#)[\[4\]](#)[\[9\]](#)

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

9. Counseling/Therapy outside of school.
10. Referral to law enforcement officials.

Revision to Policy 249 which replaced on June 29, 2020 Policy 6008.6 – Bullying and Cyberbullying originally adopted November 24, 2008 and revised August 2012, August 2015, August 2017 and June 19, 2019

**DISCRIMINATION/SEXUAL HARASSMENT/BULLYING/
HAZING/DATING VIOLENCE/RETALIATION REPORT
FORM**

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

Position: _____

Address: _____

Email: _____

Phone Number: _____

**Retaliation
Prohibited**

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

Confidentiality

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

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

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

I am

a:

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

☐ Other _____ (please explain relationship to the district)

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

Name: _____

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

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

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

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

Name(s):

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

☐ Student(s) ☐ Employee(s)

☐ Other _____ (please explain relationship to the district)

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

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

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

Where did the reported conduct take place?

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

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

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

☐ Yes ☐ No

If yes, who did you tell about it?

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

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

Person Making the Report Date

Signature of

Received By Date

FOR OFFICIAL USE ONLY

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

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

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

**I. Reporter
Information:**

Name: _____

Address: _____

Phone Number: _____

School Building: _____

Reporter is
a:

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

☐ Other _____ (please explain relationship to the district)

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

Name: _____

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

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

II. Respondent Information

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

Name(s):

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

☐ Student(s) ☐ Employee(s)

☐ Other _____ (please explain relationship to the district)

III. Level of Report:

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

IV. Type of Report:

☐ Title IX Sexual Harassment ☐ Discrimination ☐ Retaliation ☐ Bullying

☐ Hazing ☐ Dating Violence ☐ Other _____

Nature of the Report (check all that apply):

- ☐ Race ☐ Age
- ☐ Color ☐ Creed
- ☐ Religion ☐ Sex
- ☐ Sexual Orientation ☐ Sexual Harassment (Title IX)
- ☐ National Origin ☐ Ancestry
- ☐ Marital Status ☐ Pregnancy
- ☐ Handicap/Disability ☐ Bullying
- ☐ Hazing ☐ Dating Violence

V. Reported Conduct

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

How often did the conduct occur?

Is it being repeated? ☐ Yes ☐ No

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

☐

No.

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

Date Director of Special Education was contacted:

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

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

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

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

VI. Safety Concerns

Are there safety concerns that may require Emergency Removal of or Administrative Leave for a respondent? (This requires an individualized safety and risk analysis as to whether there is an

immediate threat to the physical health or safety of a student or other individual.)

☐

No.

☐ Yes, please
describe:

VII. Other Reports

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

☐

No

☐ Yes Date reported: _____ Agency: _____

VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

- ☐ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students
- ☐ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff
- ☐ Policy 247. Hazing
- ☐ Policy 249. Bullying
- ☐ Policy 252. Dating Violence
- ☐ Other

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

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

☐

Yes

☐

No

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

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

☐ Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.

☐ Sexual assault, dating violence, domestic violence or stalking.

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

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

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

jurisdiction.

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

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

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

IX. Recommended Course of Action

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

☐ No further action at this time. Reason:

- ☐ Policy 247. Hazing
 - ☐ Policy 249. Bullying
 - ☐ Policy 252. Dating Violence
 - ☐ Other
-

☐ Policy 103 Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 2
Discrimination Complaint
Procedures

☐ Policy 104 Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 2
Discrimination Complaint
Procedures

☐ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints

- Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints

X. Title IX Information to Complainant

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

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

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

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

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

XI. Title IX Coordinator Signature

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

Title IX Coordinator: _____

Date: _____

XII. Title IX Formal Complaint Action

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

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

☐ Yes ☐ No

Complainant's Signature: _____

Date: _____

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

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

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

Title IX Coordinator's Signature: _____

Date: _____

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249-AR-1. BULLYING/CYBERBULLYING

Reporting of Incidents

Reports of bullying/cyberbullying may be made verbally or in writing and may be anonymous, except where made by district staff. Any staff member who receives a report of bullying/cyberbullying from any source will encourage the complainant/reporter to directly meet with and report the allegations to the building principal or designee. Staff members who receive a report of bullying/cyberbullying will not directly investigate the allegations but will take appropriate action to protect the safety of involved students. Staff members who observe bullying/cyberbullying or who receive a report of bullying/cyberbullying will promptly provide a summary of what was observed or reported in a confidential email to the building principal.

Reports of bullying/cyberbullying may come to the district from different sources. For purposes of these administrative regulations a “**reporter**” is someone, other than district staff, who makes a report alleging bullying/cyberbullying directed at one or more students and a “**complainant**” is the alleged victim or target of bullying/cyberbullying. There are various circumstances in which a complainant may be both a reporter and a complainant, for example, where more than one (1) person was subjected to bullying and only one (1) of them reports the matter.

The building principal or designee will encourage the complainant/reporter to promptly review and complete the **Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation** Report Form (Report Form). Oral and anonymous reports will be accepted, documented and investigated in accordance with Board policy and related administrative regulations. Where the complainant/reporter is not able, due to age or incapacitation, to complete **the Report Form**, the building principal or designee will interview the complainant/reporter and complete **the Report Form** and sign it as having received this report. If the initial report comes to the district from a reporter, the complainant and, in most circumstances, the complainant’s parents/guardians will be contacted promptly, informed of the report and, if they believe bullying/cyberbullying has occurred, they will be encouraged to promptly review and complete the Report Form.

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

Every report of bullying/cyberbullying will be subject to a sufficient investigation to address any misconduct, consistent with the protection and well-being of the complainant.

A complainant age fourteen (14) or older and the complainant's parents/guardians who are otherwise being notified of the report of alleged bullying/cyberbullying will be provided with the Notice to Complainant and/or Parents/Guardians of Complainant at the outset of the investigation.

Investigation of Incidents

If, at the time of the report or at any time during the investigation of the reported bullying/cyberbullying, there is reason to believe that the conduct may fall within the district's **Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students**, the **Title IX Coordinator or Compliance Officer must be promptly notified. Upon notification, the Title IX Coordinator or Compliance Officer will immediately initiate steps to comply with Policy 103 and its procedures.**

After determining that this matter need not be handled under **Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students**, the building principal will make an initial determination whether the alleged violations can be investigated by **the building principal** or a building level designee or must be referred to or discussed with the Superintendent or other appropriate central administrator to determine who will perform the investigation.

If the police have been called or a police report is known to have been made or if proven allegations could lead to an expulsion, the building principal will discuss this matter with the Superintendent or appropriate central administrator, who will consult with legal counsel as appropriate.

Unless the investigation is turned over to the Superintendent, central administrator or legal counsel, the building principal or designee will conduct a timely, impartial, thorough and comprehensive investigation of the alleged bullying/cyberbullying. During the investigation, the investigator will use and complete the Investigative Fact Sheet.

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation will be maintained consistent with **applicable law, regulations and** the district's legal and investigative obligations necessary to enforce Board policy.

The investigation may include the following steps based on the specifics of the allegations:

1. Identifying and interviewing the complainant.
2. Identifying and interviewing the individual(s) accused of having participated in the alleged bullying/cyberbullying.
3. Identifying and interviewing any witnesses to the alleged bullying/cyberbullying.
4. Review of any physical evidence or documents related to the alleged bullying/cyberbullying.
5. Review of any other relevant evidence produced by those interviewed.
6. Any other reasonable investigation resulting from the information received during the course of the investigation or which the building principal deems necessary to reach a finding or address proven misconduct.

A report of bullying/cyberbullying must be investigated even if the report is anonymous and even if the complainant/reporter states that s/he does not want the district to do anything.

Investigative Report Findings

Investigated reports of bullying/cyberbullying will include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, whether the conduct violated Board policy and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint.

The complainant/reporter and the accused will 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 will not be notified of the individual remedies offered or provided to the complainant.

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 Board policy, the district will take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district will

promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the effect the prohibited conduct had on the complainant and the school or school program environment. District staff will document the corrective action taken and, where not prohibited by law, inform the complainant/reporter. The investigator will 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 will be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.

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

249-AR-2. NOTICE TO COMPLAINANT AND/OR
PARENTS/GUARDIANS OF COMPLAINANT

To: [Parents/Guardians if appropriate; Student if fourteen (14) or older]

From:

Subject: Report of Being Subjected to Bullying/Cyberbullying

Date:

The elimination of improper conduct, including bullying/cyberbullying, is a high priority for the district. It is the established policy of the Board to prohibit all forms of improper conduct, including bullying/cyberbullying. A copy of the district's policy and administrative regulations are attached, and we urge you to read them and become familiar with their provisions. This notice is provided to highlight specific information related to the investigative process for, and resolution of, incidents of bullying/cyberbullying.

1. If you believe that the allegations may involve acts of **Title IX sexual harassment or other** discrimination, please **promptly** notify me as this must be handled pursuant to a different policy and procedure. -If, during the course of this investigation, it appears that the allegations may involve acts of **Title IX sexual harassment or other discrimination**, the matter will be transferred to **the Title IX Coordinator** or Compliance Officer to handle the complaint under **Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students** and **its** procedures.

2. The district will investigate allegations of bullying/cyberbullying brought to its attention. The investigation will be conducted by _____. If you have any questions about the district's policy on bullying/cyberbullying or this investigation, you may contact the investigator at the following address and telephone number:

3. During the investigation, you have the right to: (a) provide the district with information and documentation concerning the alleged bullying/cyberbullying; (b) advise the district of the identity and location of any possible witness; and (c) all other rights set forth in law or in Board policy.
4. The district is interested in knowing what actions you are seeking in response to the alleged bullying/cyberbullying. Although the district will determine the best way to address any misconduct, a collaborative dialogue may be a useful tool in addressing and eliminating bullying/cyberbullying.
5. The district will take reasonable steps to preserve confidentiality and will take appropriate action to prevent public disclosure of the names of the parties involved, except to the extent necessary to carry out the investigation. The district is interested in knowing your views about confidentiality issues and will try to accommodate them, subject to the district being able to fulfill its commitment to eliminate bullying/cyberbullying.
6. District employees, witnesses and students who are alleged to be perpetrators of bullying/cyberbullying may be entitled to due process and may be protected by certain confidentiality rights. Subject to these rights, the district will make an effort to keep you advised of the progress of its investigation and, as appropriate or necessary, of any decisions it reaches concerning the situation. If you have any questions concerning the progress of the investigation or the actions taken by the district to remediate any bullying/cyberbullying that may have occurred, please feel free to contact the investigator previously identified in this notice.
7. If you are dissatisfied with the progress of the investigation or the decision/resolution reached, you have the right to file a written request, no later than ten (10) days after you learn the investigation was completed, seeking a review by the Superintendent. The Superintendent will review the progress of the investigation, or the completed investigation, and the decision/resolution materials and communicate a response to you consistent with due process and other confidentiality rights of employees, witnesses and alleged perpetrators. This request may be filed by email to the Superintendent or by a letter addressed to the Superintendent outlining your reason for requesting a review. The contact information to use is:

Email address:

Postal address:

8. If it is concluded following the investigation that the allegations have merit and that action will be taken to remediate the situation, the district will follow up with you to avoid a recurrence of bullying/cyberbullying. If there is any repeat of such conduct, or if you believe the complainant or others involved in the investigation are being subjected to retaliation for their involvement, please notify the building principal immediately.

Thank you for your assistance and cooperation.

I hereby acknowledge receipt of this notice.

Date: _____

Signature: _____

Book	Policy Manual
Section	200 Pupils
Title	Dating Violence
Code	252
Status	Adopted - June 29, 2020 Revised-First Reading-September 29, 2020
Legal	1. 24 P.S. 1553 2. Pol. 218 3. Pol. 103 4. 71 P.S. 611.13 5. Pol. 105.1 6. Pol. 105.2 22 PA Code 12.12 20 U.S.C. 1232g

Purpose

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

Definitions

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

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

Authority

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

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

Title IX Sexual Harassment and Other Discrimination

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

Guidelines

Complaint Procedure

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

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

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

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

If a possible violation of the district's harassment policy is implicated, the building principal shall take additional action as necessary to comply with Board policy and state and federal law and regulations.[\[3\]](#)

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

This policy on dating violence shall be:[\[1\]](#)

1. Published in the Code of Student Conduct.
2. Published in the Student Handbook.
3. Made available on the district's website, if available.
4. Provided to parents/guardians.

Dating Violence Training

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

Dating Violence Education

The district may incorporate age-appropriate dating violence education into the annual health curriculum framework for students in grades nine through twelve. The district

shall consult with at least one (1) local domestic violence program or rape crisis program when developing the educational program.[\[1\]\[4\]](#)

A parent/guardian of a student under the age of eighteen (18) shall be permitted to examine the instructional materials for the dating violence education program.[\[1\]\[5\]](#)

At the request of the parent/guardian, the student may be excused from all or part of the dating violence education program.[\[1\]\[6\]](#)

**DISCRIMINATION/SEXUAL HARASSMENT/BULLYING/
HAZING/DATING VIOLENCE/RETALIATION REPORT
FORM**

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

Position: _____

Address: _____

Email: _____

Phone Number: _____

**Retaliation
Prohibited**

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

Confidentiality

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

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

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

I am

a:

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

☐ Other _____ (please explain relationship to the district)

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

Name: _____

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

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

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

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

Name(s):

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

☐ Student(s) ☐ Employee(s)

☐ Other _____ (please explain relationship to the district)

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

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

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

Where did the reported conduct take place?

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

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

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

☐ Yes ☐ No

If yes, who did you tell about it?

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

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

Person Making the Report Date

Signature of

Received By Date

FOR OFFICIAL USE ONLY

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

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

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

**I. Reporter
Information:**

Name: _____

Address: _____

Phone Number: _____

School Building: _____

Reporter is

a:

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

☐ Other _____ (please explain relationship to the district)

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

Name: _____

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

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

II. Respondent Information

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

Name(s):

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

☐ Student(s) ☐ Employee(s)

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☐ Other _____ (please explain relationship to the district)

III. Level of Report:

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

IV. Type of Report:

☐ Title IX Sexual Harassment ☐ Discrimination ☐ Retaliation ☐ Bullying

☐ Hazing ☐ Dating Violence ☐ Other _____

Nature of the Report (check all that apply):

- ☐ Race ☐ Age
- ☐ Color ☐ Creed
- ☐ Religion ☐ Sex
- ☐ Sexual Orientation ☐ Sexual Harassment (Title IX)
- ☐ National Origin ☐ Ancestry
- ☐ Marital Status ☐ Pregnancy
- ☐ Handicap/Disability ☐ Bullying
- ☐ Hazing ☐ Dating Violence

V. Reported Conduct

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

How often did the conduct occur?

Is it being repeated? ☐ Yes ☐ No

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

☐

No.

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

Date Director of Special Education was contacted:

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

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

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

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

VI. Safety Concerns

Are there safety concerns that may require Emergency Removal of or Administrative Leave for a respondent? (This requires an individualized safety and risk analysis as to whether there is an

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immediate threat to the physical health or safety of a student or other individual.)

☐

No.

☐ Yes, please
describe:

VII. Other Reports

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

☐

No

☐ Yes Date reported: _____ Agency: _____

VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

- ☐ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students
- ☐ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff
- ☐ Policy 247. Hazing
- ☐ Policy 249. Bullying
- ☐ Policy 252. Dating Violence
- ☐ Other

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

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

☐

Yes

☐

No

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

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

☐ Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.

☐ Sexual assault, dating violence, domestic violence or stalking.

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

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

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

jurisdiction.

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

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

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

IX. Recommended Course of Action

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

☐ No further action at this time. Reason:

- ☐ Policy 247. Hazing
 - ☐ Policy 249. Bullying
 - ☐ Policy 252. Dating Violence
 - ☐ Other
-

☐ Policy 103 Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 2
Discrimination Complaint
Procedures

☐ Policy 104 Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 2
Discrimination Complaint
Procedures

☐ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints

- Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints

X. Title IX Information to Complainant

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

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

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

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

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

XI. Title IX Coordinator Signature

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

Title IX Coordinator: _____

Date: _____

XII. Title IX Formal Complaint Action

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

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

☐ Yes ☐ No

Complainant's Signature: _____

Date: _____

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

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

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

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Title IX Coordinator's Signature: _____

Date: _____

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Book	Policy Manual
Section	300 Employees
Title	Physical Examination
Code	314
Status	Adopted February 24, 2020 Revised-First Reading-September 29, 2020
Legal	1. 24 P.S. 1418 2. 28 PA Code 23.43 3. 42 U.S.C. 12112 4. 28 PA Code 23.44 5. 24 P.S. 1419 6. 28 PA Code 23.45 7. 42 U.S.C. 2000ff et seq 24 P.S. 1416 42 U.S.C. 12101 et seq

Purpose

In order to certify the fitness of administrative, professional and classified employees to discharge efficiently the duties they will be performing and to protect the health of students and staff, **the Board shall require** physical examinations of all district employees shall be required prior to beginning employment **and may require health monitoring to prevent the transmission of communicable diseases in the school setting.**

Definition

A physical examination, **for purposes of this policy,** shall mean a general examination by a licensed physician, certified registered nurse practitioner or a licensed physician assistant.

Health monitoring, for purposes of this policy, shall mean screening or monitoring an employee for specific symptoms that may indicate the presence of a communicable disease, in accordance with guidance from state and local health officials.

Authority

After receiving an offer of employment but prior to beginning employment, all candidates shall undergo **physical** examinations at **applicant expense**, as required by law and as the Board may require.[\[1\]](#)[\[2\]](#)[\[3\]](#)

The Board requires that all employees undergo a tuberculosis examination **at applicant expense** in accordance with regulations of the **PA** Department of Health.[\[1\]](#)[\[4\]](#)

The Board may require an employee to undergo a physical examination at the Board's request.[\[1\]](#)

An employee who presents a signed statement that a **physical** examination is contrary to **the employee's** religious beliefs shall be examined only when the Secretary of Health determines that the employee presents **facts exist indicating that certain conditions would present** substantial menace to the health of others **in contact with the employee if the employee is not examined for those conditions**.[\[5\]](#)[\[6\]](#)

Guidelines

Health Monitoring and Communicable Diseases

The district may require employees to participate in health monitoring by designated staff to check for signs and symptoms of communicable diseases in accordance with guidance issued by state and local health officials and the Board-approved health and safety plan. An employee may request an alternative method of monitoring as a religious accommodation, and designated district staff shall assess and respond to such request in accordance with applicable law, regulations and Board policy. A request for an accommodation that would unreasonably impair workplace safety or cause undue hardship will not be granted.[\[7\]](#)

An employee with a health condition that may render a monitoring method ineffective should notify designated staff so that alternative or supplemental methods may be considered.[7]

Employees exhibiting symptoms that indicate health concerns shall be referred to the school nurse or designated staff for further assessment, and may be excluded from school facilities in accordance with regulations of the PA Department of Health or guidance from state or local health officials for specified diseases and infections conditions. Employees may return to school facilities when the criteria for readmission following a communicable disease have been met, in accordance with law, regulations or guidance from state or local health officials.[8][9][10][11]

Delegation of Responsibility

The results of all required **physical** examinations shall be made known to the Superintendent on a confidential basis and discussed with the employee.

Medical records **and other health information** of an employee shall be **maintained confidentially and** kept in a file separate from the employee's personnel file.[3][7]

Revision to Policy 314 adopted on February 24, 2020, which replaced Policy 5118 - Medical Examination adopted 4-25-05 and revised 4-26-11

Book	Policy Manual
Section	300 Employees
Title	Educator Misconduct
Code	317.1
Status	Adopted 2-24-20 Revised-First Reading-September 29, 2020
Legal	1. 22 PA Code 235.1 et seq 2. 24 P.S. 2070.1a 3. 24 P.S. 2070.1b 4. 23 Pa. C.S.A. 6303 5. 24 P.S. 2070.9a 6. Pol. 806 7. 24 P.S. 111 8. Pol. 317 9. 24 P.S. 2070.9c 10. 24 P.S. 2070.11 11. 24 P.S. 2070.17b 12. 24 P.S. 2070.17a 23 Pa. C.S.A. 6301 et seq 24 P.S. 2070.1a et seq

Purpose

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

Authority

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

Definitions

Educator - shall mean a person who holds a certificate.[\[3\]](#)

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

Sexual Abuse or Exploitation - shall mean any of the following:[\[4\]](#)

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

Sexual Misconduct - any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child

or student that is designed to establish a romantic or sexual relationship with the child or student, such acts include but are not limited to: [\[3\]](#)

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

Delegation of Responsibility

Duty to Report

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

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

7. Who the school entity knows to have been named as a perpetrator of an indicated or founded report under 23 Pa. C.S. Ch. 63.

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

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

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

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

Guidelines

Investigation

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

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

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

concerning discipline. If the district makes a recommendation concerning discipline, it shall notify the educator of such recommendation.[\[10\]](#)

Title IX Sexual Harassment and Other Discrimination

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

Confidentiality Agreements

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

Confidentiality

Except as otherwise provided in the Educator Discipline Act, all information related to any complaint, any complainant, or any proceeding related to discipline **under the Educator Discipline Act** shall remain confidential unless or until public discipline is imposed.[\[11\]](#)

Immunity

Any person who, in good faith, files a complaint or report, or who provides information or cooperates with the Pennsylvania Department of Education or Professional Standards and Practices Commission in an investigation or proceeding shall be immune from civil liability. The district also is immune from civil liability for the disclosure of information

about the professional conduct of a former or current employee to a prospective employer of that employee.[\[12\]](#)

Book	Policy Manual
Section	300 Employees
Title	Attendance and Tardiness (Previously Penalties for Tardiness)
Code	318 - NEW
Status	Adopted 2-24-20
	Revised First Reading-September 29, 2020
Legal	1. 24 P.S. 510
	2. Pol. 332

Authority

Punctual and reliable attendance by administrative, professional and classified employees is essential for the operation of district schools. Therefore, a prerequisite for efficient performance of job functions by employees is the punctual commencement and proper completion of all assigned duties. [\[1\]](#)[\[2\]](#)

The district shall establish processes for staff to report unexpected absences, which shall be addressed in accordance with Board policy and an applicable individual contract, collective bargaining agreement or Board resolution.[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)

Delegation of Responsibility

It shall be the responsibility of the Superintendent or designee to assess penalties when a district employee fails to meet attendance requirements.

Book	Policy Manual
Section	300 Employees
Title	Job Related Expenses
Code	331
Status	Adopted 2-24-20
	Revised-First Reading-September 29, 2020
Legal	1. 24 P.S. 517

Authority

The Board shall reimburse administrative, professional and classified employees for the actual and necessary expenses, including travel expenses, they incur in the course of performing services for the district, in accordance with Board policy. [\[1\]](#)

Delegation of Responsibility

The validity of payments for job related expenses for all district employees shall be determined by the Superintendent or designee.

The Superintendent or designee shall develop administrative regulations for **the approval and** reimbursement of **job related expenses, including** travel expenses, **which shall require employees to provide adequate documentation of expenses.**

Guidelines

The Board shall reimburse staff, who are assigned to work remotely for designated assignments, for actual expenses that are reasonable and necessary expenses incurred by staff in direct consequence or discharge of their assigned duties, approved in advance and in accordance with an individual contract, collective bargaining agreement or Board resolution. [2][3]

Use of a personal vehicle for approved purposes is reimbursable at the prevailing IRS rate per mile.

Use of a personal vehicle requires that liability insurance be provided by the employee.

Actual and necessary expenses incurred when attending functions outside the district shall be reimbursed to an employee if approval has been obtained in advance from the Board and/or Superintendent. [\[1\]](#)

Attendance at approved events outside the district shall be without loss of regular pay, unless otherwise stipulated prior to attendance.

331-AR. JOB RELATED TRAVEL EXPENSES

Intradistrict Travel

Use of a personal vehicle for authorized travel between schools by an employee will be reimbursed at the rate per mile approved by the Board which coincides with the IRS Mileage reimbursement rates.

Employees will complete and submit to the immediate supervisor at the end of each month the Employee's Monthly Mileage Form to receive reimbursement for intradistrict travel connected to the job description. The supervisor will approve the form and submit it to the Business Office.

District employees are not eligible for travel reimbursement for return to school for any activities beyond the school day, such as parent conference, open house, etc.

Use of a personal vehicle for special emergency purposes by an employee will be reimbursed if it is a recognized part of the employee's job responsibilities.

Attendance at Meetings/Conventions/Conferences

With the required prior approval, employees will be reimbursed for meals, including fifteen percent (15%) gratuity; tolls; and mileage, which is actual odometer readings, for attendance at meetings, conventions and conferences upon submission of the required form and receipts.

The employee shall work with the business office when making arrangements for approved attendance at meetings, conventions and conferences. Employees must go through the business office to cover all advanced expenses for registration, lodging, car rentals and ground/air travel. Employees should not use their own credit cards for these expenses.

Employees traveling for district business should exercise the same care when incurring expenses as they would when traveling on personal business. Employees are expected to be accurate when reporting expenses.

Each employee will include only their meals for reimbursement. On the return day, the meal allowance will end upon arrival at the district or employee's home. On the travel day, the meal allowance will begin upon departure from the district. Meals in lieu of meals covered by a conference registration fee will not be reimbursed. For meal reimbursement, a signed credit card receipt with the itemized bill must be submitted. Meal reimbursement is limited to the per diem allowances listed on [federalpay.org](https://www.federalpay.org).

Travel will be by the most direct and economical route. Employees should select the most efficient mode of transportation when traveling, considering the most economical use of time and district funds. The length of time involved in travel and lodging and meal expenses should be considered. Locations beyond normal driving distance, approximately 300 miles or five (5) hours, may be reached more economically by air travel.

Employees are encouraged to pool transportation with other district employees, when possible.

Procedures

1. All requests for travel to and attendance at meetings, conventions or conferences must have been budgeted in the current operating budget, although the Superintendent can exercise discretion for final approval of a proposed request outside the budget allocation.
2. The completed Meeting/Convention/Conference Request Form must be submitted to the building principal or immediate supervisor at least three (3) weeks prior to the requested date of attendance.
3. If the building principal or supervisor approves the request, they will submit the request to the Director of Business and Finance, who will ensure that the expenses for the request are covered in the budget. One (1) copy of the request is filed in the Business Office for future referral, and the original is submitted to the Superintendent for final approval.
4. The Superintendent makes the final determination of approval or denial. If the request is denied, the reasons will be noted on the form.
5. The request is returned to the employee with approval or denial noted, along with a copy of the Expenses Reimbursement Form and the Report of Conference Attendance to be completed after the employee's return.
6. The employee attends the meeting, conference or convention and keeps a copy of all receipts paid for registration, meals, lodging, tolls and mileage.
7. Within five (5) days of return, the employee completes the Report of Conference Attendance and the Expenses Reimbursement Form, attaches all receipts, and submits it to the building principal or immediate supervisor.

8. The building principal or supervisor reviews the form and submitted expenses, approves them and submits them to the Business Manager for payment.

9. The employee's expenses will be approved with the accounts payable bills for that month.

Unallowable Expenses

Listed below are examples of expenditures that are not eligible for reimbursement. This is not a complete list but can be used as a guideline when traveling:

1. Personal air travel insurance.
2. Travel, lodging, and meals for family members or friends.
3. Room or meal charges for personal stay-over.
4. Late check out charges.
5. Fines for traffic violations or parking violations.
6. Fees for traveler's checks.
7. Credit card membership fees.
8. Personal purchases, i.e., newspaper, snacks, etc.
9. Property that is lost or stolen.
10. Alcoholic beverages.
11. Entertainment.
12. Movies in hotels.
13. Tips for baggage handling or maid service.
14. Personal telephone calls.

Credit or Procurement Cards

Employees who are assigned credit or procurement cards by the district may not use such to purchase any personal items or services, even if the expenses are reimbursed to the Board.

PSBA Revised 8/20
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Book	Policy Manual
Section	300 Employees
Title	Working Periods
Code	332
Status	Adopted 2-24-20 Revised-First Reading-September 29, 2020
Legal	1. 24 P.S. 510 2. 24 P.S. 1504 3. Pol. 804

Authority

Work schedules required for administrative, professional and classified employees shall be clearly specified to ensure regular attendance by employees and consistent operation of the district.

The Board has the authority and responsibility to determine the hours **and days** during which district programs and services shall be available to students and the community, consistent with the administrative compensation plan, individual contracts, applicable collective bargaining agreements, and Board resolutions. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)

The Board has the authority to make modifications to the school calendar and the school schedule as necessary to meet the instructional and health and safety needs of students and staff. Modifications to staff working periods shall be addressed in accordance with the administrative compensation plan, individual contracts, applicable collective bargaining agreements, Board resolutions and/or Board-approved health and safety or other emergency preparedness and response plans.[\[4\]](#)[\[5\]](#)[\[6\]](#)

Delegation of Responsibility

The Superintendent or designee shall develop administrative regulations to ensure district employees **are informed of and** adhere to their assigned work schedules.

Professional and temporary professional personnel shall have a duty-free lunch period of not less than thirty (30) minutes or any additional amount required by an applicable collective bargaining agreement.[\[2\]](#)

During the times students are in attendance, professional and temporary professional staff may be assigned extra or alternative duties, distributed equitably when possible, at the discretion of the building principal, subject **to** any applicable provisions of a collective bargaining agreement.

All professional staff members are expected to attend each faculty meeting unless specifically excused by the responsible administrator.

332-AR. WORKING PERIODS

Teaching schedules, workday and work year will be determined annually by the Board, in accordance with Board policy and applicable collective bargaining agreements or individual contracts, and will be communicated to staff.

The Board reserves the right to alter teaching schedules and/or the school calendar in cases of emergency or unexpected school closures, including the length of workdays or designation of which days will constitute instructional days in the school year, in accordance with applicable law, Board policy, administrative compensation plan, collective bargaining agreements and individual contracts.

At the discretion of the building principal or immediate supervisor, employees may leave the building during the assigned lunch period.

Employees must notify the building administrator(s) or secretary if leaving the building during the assigned lunch period.

Administrative Employees

Each administrator will inform a secretary or designee of the administrator's whereabouts at all times during the school day when assigned to work in a school building. The administrator will state the destination, approximate time of return, and method of contact.

Professional Employees

Professional employees are required to be present at their respective rooms or assigned work locations, and to make themselves available to students prior to the time prescribed for the beginning of the school day or school lesson.

Professional employees will remain in their rooms or assigned work locations after students have been discharged for the purpose of assisting students in need of extra help. Professional employees may also fulfill responsibilities for assisting students by establishing designated times or office hours when they will be available to students, with advanced notice and permission of the building principal or immediate supervisor.

The preparation/planning period is one (1) period, or an equivalent amount of time, in the school day contractually provided to teachers for preparing instruction. Administrators will ensure that preparation/planning time is not infringed upon by other assignments, but when necessary it will occur only under the conditions of the collective bargaining agreement. Under emergency situations an MOU can amend this provision.

Support Employees

Support employees who travel among district schools or buildings will inform a secretary or designee of the employee's whereabouts at all times during the school day. The employee will state the destination, approximate time of return, and method of contact.

Discretionary Early Release

Building principals and immediate supervisors have the authority to grant permission for an employee to leave prior to the end of the workday if the following conditions are met:

1. The building principal or supervisor has granted permission in advance.
2. The early release does not intrude upon completion of the employee's assigned responsibilities.
3. The reason for the request is a doctor or dentist appointment, emergency, or employee is returning that same evening for a parent conference, open house, or similar activity and is not receiving remuneration.

The building principal or supervisor will maintain a log of the requests made and the reasons for granting or denying the requests.

Book	Policy Manual
Section	300 Employees
Title	Sick Leave
Code	334
Status	Adopted 2-24-20
	Revised-First Reading-September 29, 2020
Legal	1. 24 P.S. 1154
	2. 24 P.S. 510
	3. Pol. 317

Authority

Board policy for certificated administrative and professional employees shall ensure that eligible employees receive paid sick leave days annually, in accordance with law, administrative compensation plan, individual contract, collective bargaining agreement, or Board resolution. Unused sick leave shall be cumulative.[\[1\]](#)

Board policy for non certificated administrative and classified employees shall ensure that eligible employees receive paid sick leave days annually, in accordance with an administrative compensation plan, individual contract, collective bargaining agreement or Board resolution. Unused sick leave shall be cumulative.

The District reserves the right to require any employee claiming **paid or unpaid** sick leave pay to submit sufficient proof, including **documentation from a licensed physician, certified registered nurse practitioner or a licensed physician assistant**, of the employee's **illness, disability or need to quarantine**, unless prohibited by law or collective bargaining agreement.[\[1\]](#)[\[2\]](#)

Misuse of sick leave shall be considered a serious infraction subject to disciplinary action.[\[3\]](#)

The Board shall consider the application of any eligible employee for an extension of sick leave **with or without pay**, pursuant to law where applicable, when the

employee's own accumulated sick leave **or other paid or unpaid leave has been** exhausted.[\[1\]](#)[\[2\]](#)

Delegation of Responsibility

The Superintendent shall report to the Board the names of employees absent for non compensable cause or whose claim for sick leave pay cannot be justified.

Guidelines

Notwithstanding claims of disability, no day of absence shall be considered a sick leave day if the employee has engaged in or prepared for other gainful employment, or has engaged in any activity that would raise doubts regarding the validity of the sick leave request.

Proof of Disability

An employee absent on sick leave may be required to submit a physician's written statement certifying his/her disability.[\[1\]](#)[\[2\]](#)

A physician's statement may not be presumed to conclusively establish the employee's disability.

Records

The district's personnel records shall show the attendance of each employee; and the days absent shall be recorded, with the reason for such absence noted.[\[1\]](#)[\[2\]](#)

A record shall be made of the unused sick leave days accumulated by each district employee, which shall be reported to the employee.[\[1\]](#)[\[2\]](#)

Revision to Policy 334 adopted on February 24, 2020 that replaced Policy 5213 - Sick Leave-Professional Personnel originally adopted 10-11-67 and revised 9-9-85 and 11-13-00

Book	Policy Manual
Section	300 Employees
Title	Responsibility for Student Welfare
Code	340
Status	Adopted 2-24-20
	Revised First Reading September 29, 2020
Legal	1. 24 P.S. 510

Authority

The Board adopts this policy to ensure appropriate oversight of and responsibility for student welfare by administrative, professional and classified employees. [\[1\]](#)

District employees are responsible for the safety of students in their charge within school buildings and on district property.

Each employee shall maintain a standard of care and concern for supervision, control and protection of students, commensurate with assigned duties and responsibilities.

Each teacher must be in the classroom or assigned station, or ensure another staff member is present, when students are in the room or at the assigned station.

An employee should not voluntarily assume responsibility for duties s/he cannot reasonably perform. Voluntary assumption carries the same responsibilities as assigned duties.

Teachers shall provide proper instruction in **and enforcement of safety rules and procedures included in the Board-approved health and safety plan and** presented in assigned curriculum guides.

Each employee has the responsibility to report immediately to the principal an accident, safety hazard, unsafe condition, or dangerous situation.

Employees may not send students on any personal errands.

Employees may not transport students in a personal vehicle, except when specifically permitted by the Superintendent or designee. The Superintendent may develop guidelines or administrative regulations regarding transportation of students in personal vehicles.

Employees shall not require a student to perform work or services that may be detrimental to the student's health.

Delegation of Responsibility

Building principals shall monitor employees' adherence to this policy to ensure the maintenance of standards that protect student welfare.

Building principals shall annually develop and implement a plan of supervision for the following:

1. Student arrivals and departures, including buses.
2. Halls, restrooms and playgrounds.
3. Cafeteria.
4. Before and after school.
5. Field trips.
6. School activities.



Customizing Learning,
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Memo

To: Dr. John Rozzo, USC Board Members

From: Scott P. Burchill *SPB*

Date: September 14, 2020

RE: FINANCIAL SUMMARY AND PRELIMINARY FINANCIAL STATEMENTS FOR THE PERIOD ENDED AUGUST 31, 2020 (PRELIMINARY AND UNAUDITED)

Financial statements for the General Fund, Capital Reserve Fund and Construction Fund for the period ended August 31, 2020 are enclosed for your review. The first Cafeteria Fund report will be for the period ending September 30, 2020. The reports reflect the realized revenues and expenses incurred from July 1, 2020 through August 31, 2020. Of note, the General Fund revenue is behind last year on a percentage basis. The difference between years can be attributed to a timing difference of real estate tax deposits. A deposit of \$8.8 million was processed on September 3, 2020.

GENERAL FUND

	2020-21	2020-21 through August 31, 2020		2019-20	2019-20 through August 31, 2019	
<i>(in millions of dollars)</i>	Budgeted	Actual	% of Budget	Budgeted	Actual	% of Budget
Current Real Estate Revenues	\$59.53	\$34.10	57%	\$57.29	\$41.39	72%
EIT	\$5.67	\$0.48	8%	\$5.67	\$0.15	3%
All Other Local Revenues	\$3.53	\$0.26	7%	\$4.17	\$0.35	8%
State Revenues	\$18.33	\$3.14	17%	\$18.10	\$2.74	15%
Federal Revenues	\$0.48	\$0.00	0%	\$0.38	\$0.01	3%
All Other	\$0.00	\$0.00	0%	\$0.03	\$0.00	0%
Total Revenues	\$87.540	\$37.98	43%	\$85.640	\$44.64	52%
Expenditures	\$87.800	\$10.67	12%	\$85.640	\$10.16	12%
Revenues less Expenditures	<i>(\$0.260)</i>	\$27.31		\$0.000	\$34.48	

Balance Sheet	As of August 31, 2020	As of June 30, 2020 <i>(unaudited)</i>
Cash and Marketable Securities	\$39,357,691	\$17,766,352
Total Assets	\$43,076,812	\$21,592,178
Total Liabilities	\$6,301,935	\$11,920,901
Nonspendable Reserves	\$0	\$208,959
Adjustment to Fund Balance	\$27,312,559	\$420,390
Fund Balance	\$9,462,318	\$9,041,928

CAPITAL RESERVE FUND

	Budget 2020-21	2020-21 through August 31, 2020	Budget 2019-20	2019-20 through August 31, 2019
Revenues	\$270,000	\$14	\$267,000	\$806
Expenditures	\$305,000	\$23,490	\$395,442	\$104,523
<i>Net</i>	<i>(\$35,000)</i>	<i>(\$23,476)</i>	<i>(\$128,442)</i>	<i>(\$103,717)</i>

	As of August 31, 2020	As of June 30, 2020 <i>(unaudited)</i>
Cash and Marketable Securities	\$128,171	\$176,872
Total Assets	\$128,171	\$176,872
Total Liabilities	\$50,777	\$25,225
<i>Total Reserves</i>	<i>\$77,395</i>	<i>\$151,647</i>

CONSTRUCTION FUND

	Budget 2020-21	2019-20 through August 31, 2020	Budget 2019-20	2018-19 through August 31, 2019
Revenues	N/A	\$3,412	N/A	\$37,944
Expenditures	N/A	\$169,355	N/A	\$1,072,630
<i>Net</i>		<i>(\$165,943)</i>		<i>(\$1,034,686)</i>

	As of August 31, 2020	As of June 30, 2020 <i>(unaudited)</i>
Cash and Marketable Securities	\$1,968,306	\$2,258,545
Total Assets	\$1,968,306	\$2,258,545
Total Liabilities	\$975,620	\$1,066,122
<i>Fund Balance</i>	<i>\$992,686</i>	<i>\$1,192,423</i>

BUDGET TRANSFERS

According to the Pennsylvania School Code, budget transfers cannot be recommended and approved until October of each year. Therefore, the first budget transfers will be presented at that time.

BILL LIST

The Bill Lists will be presented at the September 28, 2020 board meeting for your review and approval.

Memo

To: Dr. Rozzo, USC Board Members

From: Scott P. Burchill

Date: September 29, 2020

RE: SUPPLEMENTAL FINANCIAL REPORT 2019-20

BILL LIST

The Supplementary Bill Lists are enclosed for your review and approval.

DESCRIPTION	GENERAL FUND 10	CAPITAL RSV. FND. 31	CONSTRUCTION FND. 36	SCHOOL LUNCH FND. 50
MANUAL CHECKS	\$157,846.91	\$0.00	\$21,124.08	\$697,292.17
BILL LIST	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL	\$157,846.91	\$0.00	\$21,124.08	\$697,292.17

Please do not hesitate to contact me with any questions or comments.

Cc: B. Berquist

Memo

To: Dr. Rozzo, USC Board Members

From: Scott P. Burchill

Date: September 29, 2020

RE: SUPPLEMENTAL FINANCIAL REPORT 2020-2021

BILL LIST

The Supplementary Bill Lists are enclosed for your review and approval.

DESCRIPTION	GENERAL FUND 10	CAPITAL RSV. FND. 31	CONSTRUCTION FND. 36	SCHOOL LUNCH FND. 50
MANUAL CHECKS	\$2,336,867.69	\$25,225.00	\$152,025.08	\$20,567.83
BILL LIST	\$733,563.31	\$180,775.18	\$14,441.40	\$0.00
TOTAL	\$3,070,431.00	\$206,000.18	\$166,466.48	\$20,567.83

CREDIT CARD BILL

The credit card bill for August purchases:

533.40	Pass Thru	16108.94	COVID Technology
37.99	Baker Supplies	24.00	Library
15.98	Elementary Math	-22.77	Staff Development
36.34	Elementary LA	133.44	Superintendent
2326.60	Boyce Industrial Arts	410.23	Boyce Principal
22.74	MS World Language	653.20	Nursing
49.51	MS Math	1289.85	Business Office
1840.00	MS Science	136.20	Ops. & Maintenance
270.00	DYP	15282.81	COVID O&M
121.75	HS Math	111.21	Security
236.33	HS Science	158.00	Transportation
688.74	HS FACS	348.00	District
1303.28	Technology	4063.06	Marching Band
		\$46,178.83	AUGUST PURCHASES

Please do not hesitate to contact me with any questions or comments.

Cc: B. Berquist

PUBLIC COMMENTS

via Google Form

September 29, 2020

Erica Baldasare
1317 Chartwell Drive

First, thank you for your continued efforts to keep our children safe and provide them with the educational resources they need during the Hybrid education model. I will say the structure of what is being offered in the Fall is better than the emergency setup in the Spring, however it is not enough. Our children are not receiving the sheer quantity of hours, nor quality of those hours, of education that they deserve and our district is known for. Yes, measures need to be in place to thwart the spread of COVID, however I have yet to hear of a single COVID case in any daycare in our area. These facilities have been open for MONTHS with children much younger than those attending our district's schools and have been able to follow safe hygiene protocols while NOT maintaining social distancing (because what 2-4 y.o. does that). I have a 1.5 year old son who has been attending daycare in South Fayette 5 full days a week since June 1, 2020 - they have not reported one instance of a possible case at all. If children less than 5 years old can adapt and function then we should be confident that our older children can as well in-person 5 days a week.

My 4th grader complains she is taught new things on Mon/Tues and then the rest of the week is just 'review' as they can't get through much else with the setup. My 1st grader begins to space out after the 2nd or 3rd morning meeting, to the point that I incentivize him to 'power through' and finish his asynchronous work before lunch so he can just have the afternoon off. We are a dual working household, we luckily both are working remotely, however the strain it places on us to tag-team all day in order to give our children the best possible experience they can have is, and has been, exhausting. This is not a long term solution, kids need social interaction even if it's masks on and socially distancing. The best part of my kid's weeks are the days they are in-person in school. They ask constantly when going 5 days a week will happen, and my hope is very soon the Board will make this a reality.