LAMPETER-STRASBURG SCHOOL DISTRICT
Lampeter, Pennsylvania 17537

BOARD WORKSHOP MEETING AGENDA
October 20, 2025

Meeting Called to Order

Opportunity for Public Comment Regarding Agenda Items

Student Recognition

FOR BOARD WORKSHOP ACTION

MISCELLANEOUS

1. INTRODUCTION OF GARDEN SPOT FFA OFFICER TEAM

Mrs. Oberholtzer and Mrs. Ranck will introduce the 2025-2026 Garden Spot FFA Chapter Officers and provide a brief presentation on the National FFA Convention Trip.

BUSINESS AND FINANCE COMMITTEE

2. RECOMMENDATION FOR APPROVAL OF SCHOOL-BASED COUNSELING CONTRACT

Recommend the approval of a contract with Samaritan Counseling Center for school-based counseling at no cost to the district, as posted.

3. RECOMMENDATION FOR APPROVAL OF CHANGE ORDERS FOR THE MARTIN MEYLIN MIDDLE SCHOOL RENOVATION PROJECT

Recommend the approval of change orders for the Martin Meylin Middle School Renovation Project, as follows:

a)	Boro Construction	Change Order EC #1	Add $10,037	Remove and replace fire alarm labor
b)	Boro Construction	Change Order EC #2	Add $51,400	Complete replacement of fire alarm system (Siemens Industries)
c)	Lobar, Inc	Change Order GC #10	Add $5,869	Additional fire extinguishers
d)	Lobar, Inc	Change Order GC #11	Add $9,098	Replace roof decking in Area B
e)	Lobar, Inc	Change Order GC #12	Add $6,930	Additional clips and plates for bearing Area B
f)	Lobar, Inc	Change Order GC #13	Add $5,915	Additional lintels for HVAC grills in Gym
g)	Lobar, Inc	Change Order GC #14	Add $3,267	Additional pipe chases for storm water in Area B
h)	Lobar, Inc	Change Order GC #15	Add $9,122	Demo and re-install wall in corridor

MISCELLANEOUS

4. DISCUSSION OF UPDATED BOARD POLICIES

Dr. Peart will lead a discussion on the following policies that were presented for first reading at the October 6, 2025, Board meeting:

Reviewed by Academic Committee

a. Policy 103 Discrimination/Harassment Affecting Students
b. Policy 103.1 Nondiscrimination – Qualified Students with Disabilities
c. Policy 104 Discrimination/Harassment Affecting Staff

Reviewed by Personnel Committee

a. Policy 320 Freedom of Speech by Employees

Reviewed by full Board at the September Workshop meeting

a. Policy 823 Opioid Antagonist
b. Policy 824 Maintaining Professional Adult/Student Boundaries
c. Policy 827 Conflict of Interest
d. Policy 830 Security of Computerized Personal Information/Breach Notification
e. Policy 830.1 Data Governance – Storage/Security (New Policy)

5. DISCUSSION/REVIEW OF BOARD POLICIES

Dr. Peart will lead discussion reviewing Board policies, as follows and as posted:

a. Policy 901 Public Relations Objectives
b. Policy 902 Publications Program
c. Policy 903 Public Participation in Board Meetings
d. Policy 904 Public Attendance at School Events
e. Policy 905 Citizen Advisory Committee
f. Policy 906 Public Complaint Procedures

6. DISCUSSION OF PSBA PRINCIPLES FOR GOVERNANCE AND LEADERSHIP

Dr. Peart will lead a discussion of PSBA Principles for Governance and Leadership, as posted.

Opportunity for Public Comment

Adjournment

MEMORANDUM of UNDERSTANDING
Between
Lampeter-Strasburg School District & Samaritan Counseling Center

1. **Purpose:** The purpose of this MOU is to clearly identify the roles and responsibilities of each party as it relates to the school-based counseling services provided by Samaritan Counseling Center at Lampeter-Strasburg School District.

Background: The Samaritan Center fosters hope and healing through professional counseling and education while respecting personal and spiritual values. Samaritan strives to ensure that quality and professional services are accessible to all people. To ensure this access to counseling services, Samaritan offers subsidies for individuals, families and children who are unable to afford the full fee for counseling. Samaritan Counseling Center provides more than 14,000 counseling sessions per year. Another integral part of the mission of the Samaritan Counseling Center is to provide outreach services to the most vulnerable in our community.

Samaritan's current outreach is through TeenHope, a teen mental health screening program in Lancaster County schools which is almost 100% donor funded. Samaritan was an original partner for School Based Therapy services in the early 2000's and revived this offering in 2023, through a partnership with the School District of Lancaster. In the upcoming 25-26 school year, Samaritan Center will be partnering with five different school districts to provide School Based Therapy services.

2. **Duration of Agreement:** This Agreement becomes effective on the date signed and shall end on June1st, 2026.

3. **Responsibilities:** As a part of the agreement each organization agrees to the following:

Lampeter-Strasburg School District:

- Provide space as needed for identified and approved Samaritan staff to meet with students.
- Review and approve/deny clearances in a timely manner.
- Confirm parent approval for services for children under the age of 14.

Samaritan Center:

- Ensure all staff submit clearances.
- Ensure all staff adhere to School Based Services Guidelines ;
- Facilitate parent permission for services for children under the age of 14;
- Provide supervised interns to offer counseling services at no cost at identified locations.
- Complete and submit Lampeter-Strasburg School District required forms in a timely manner.

4. **Funding:** All Lampeter-Strasburg District students will be charged a fee-for-service if their insurance is not compatible with our provider or does not cover individual counseling services. Samaritan will communicate such billing details with the student's designated contact.

5. **Confidentiality:** Contractor shall be bound by and shall comply with the Family Educational Rights and Privacy Act ("FERPA"), Protection of Pupil Rights Act ("PPRA"), the State Board of Education Guidelines, the Health Insurance Portability and Accountability Act ("HIPAA"), to the extent applicable, and any other applicable Federal, State, and/or Local legislation regarding Student Information.

6. **Indemnity and Hold Harmless:** The Contractor agrees to indemnify and hold harmless the District and each of the District's directors, officers, employees and agents from and against any and all damages to property or injuries (including death) to any person and all costs (including reasonable counsel fees), expenses, claims, demands, actions and causes of action which relate to or arise by reason of any act or omission of the Contractor (or any of the Contractor's directors, officers, employees, agents, contractors or business invitees), whether such act or omission is intentional, reckless, negligent or inadvertent.

7. **Background Checks:** The School District, pursuant to Pennsylvania Law, requires State and FBI Criminal Record Checks, as well as a Child Abuse History Clearance, for all employees, student teachers, bus drivers, and contractors and their employees that have direct contact with children. The Contractor shall comply with all requirements in this regard imposed by the School District or applicable law. Direct contact with children is generally defined in the State Board of Education Regulations, Chapter 8, Section 8.1, as the possibility of care, supervision, guidance or control of children or routine interaction with children. Direct contact with children is defined by the Department of Public Welfare in Title 55 of the Pennsylvania Code, Chapter 3490, generally as access to children by a school employee who has routine and unsupervised access to children while carrying out the employee's responsibilities in a school. The term "school employee" includes independent contractors and their employees.
   Samaritan attests to compliance with all of Lampeter-Strasburg School Districts guidelines for general contractors working with children as listed in the attached document and will provide LS District's designated employees all documentation necessary to show compliance with each item as outlined.

8. **Insurance:** Contractor shall obtain and maintain Comprehensive General and Professional Liability Insurance for no less than $1,000,000 per occurrence with not more than $1,000 per occurrence deductible or self-insurance retention. The district shall be named as a certificate holder and an additional insured under such insurance coverage. The contractor must additionally maintain Worker's compensation insurance; disability benefit and other social insurance as may be required by the law.

9. **Terms of Agreement:** Either party may terminate this agreement upon 30 days written notice, sent to the President and/or Department Coordinator of the respective organization. This agreement may be terminated by either party, without notice, for actions determined to be fraudulent, illegal, unethical, or dangerous to the intended recipients.

10. **Effective Administration and Execution of this Memorandum of Understanding**: Effective execution of the Agreement will be achieved through continuing communication and dialogue between parties. Either party may request a meeting to discuss modifications, successes, or challenges at any time and must mutually agree upon any changes made to this agreement.

Signature Authority:

_____	_____
Lampeter-Strasburg School District Representative) Title	Steven Schedler, Samaritan Center Executive Director
_____	10/14/25
Date	Date

Book	School District for PNN+
Section	100 Programs
Title	Discrimination/Harassment Affecting Students
Code	103 Vol I 2025
Status	Active

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, **religious** 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][18]

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 **Office** 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 **admission,** 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.[19][20][21][22]

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 **may have** 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 **law enforcement** or child protective services reports required by law.[23]**[24]**

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 **designated district report form** attached to this policy for purposes of reporting an incident or incidents in writing; however, **oral** reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

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

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in Attachment 2 to this policy, or if the reported circumstances meet the definition of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other Board policies.

Disciplinary Procedures When Reports Allege Title IX Sexual Harassment

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

When an emergency removal, as described in Attachment 3, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.[19][21][25][26]

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.[19][20][21][25]

Discipline/Placement of Student Convicted or Adjudicated of Sexual Assault

Upon notification of a conviction or adjudication of a student in this district for sexual assault against another student enrolled in this district, the district shall comply with the disciplinary or placement requirements established by state law and Board policy.[27][28]

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.[29][30][31][32][33]

Retaliation

The Board prohibits retaliation by the district or any other person against any person for:[32]

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.

Pregnancy – the use of assisted reproductive technology, the state of being in gestation, childbirth, breastfeeding, the postpartum period after childbirth and medical conditions related to pregnancy.[34]

Race includes all of the following:[34][35]

1. **Ancestry, national origin or ethnic characteristics.**

2. **Interracial marriage or association.**

3. **Traits associated with race, which includes but is not limited to, hair texture and protective hairstyles, such as braids, locks and twists.**

4. **Hispanic ancestry, national origin or ethnic characteristics.**

5. **Persons of any other national origin or ancestry as specified by a complainant or in a complaint.**

Religious creed includes all aspects of religious observance, practice or belief.[36]

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, **religious** 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.[31][37]

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.[37]

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:[37]

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. **The Title IX Coordinator shall consult with the Director of Special Education in the implementation of supportive measures for students with an IEP or Section 504 Service Agreement.**[18][19][25][26][38]

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:[37]

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:[39]

        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 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.[39]

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.[40]

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:[39]

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.[30][31][37]

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 Assistant Superintendent as the district's Compliance Officer and Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at: [41]

Address: P.O. Box 428
Lampeter, PA 17537

Phone Number: (717)464-3311

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 **conduct which may constitute 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 **law enforcement**, 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.[42]

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 **a** 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:[19][20][21]

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.[22][43]

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, **religious** creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in Attachment 2 to this policy.

Reports of Title IX Sexual Harassment

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

Legal 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. 16 PA Code 41.201 et seq
11. 20 U.S.C. 1681 et seq
12. 34 CFR Part 106
13. 29 U.S.C. 794
14. 42 U.S.C. 12101 et seq
15. 42 U.S.C. 1981 et seq
16. 42 U.S.C. 2000d et seq
17. U.S. Const. Amend. XIV, Equal Protection Clause
18. Pol. 103.1
19. Pol. 113.1
20. Pol. 218
21. Pol. 233
22. Pol. 317
23. Pol. 806
24. Pol. 805.1
25. Pol. 113.2
26. Pol. 113.3
27. Pol. 218.3
28. 24 P.S. 1318.1
29. 20 U.S.C. 1232g
30. 34 CFR 106.44
31. 34 CFR 106.45
32. 34 CFR 106.71
33. 34 CFR Part 99
34. 16 PA Code 41.204
35. 16 PA Code 41.207
36. 16 PA Code 41.205
37. 34 CFR 106.30
38. Pol. 113
39. 34 U.S.C. 12291
40. 20 U.S.C. 1092
41. 34 CFR 106.8
42. Pol. 150
43. 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
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

Office for Civil Rights - Fact Sheet: Harassment Based on Race, Color, or National Origin on School Campuses (July 2024)
Pol. 122
Pol. 123
Pol. 138
Pol. 216
Pol. 220
Pol. 247
Pol. 249
Pol. 251
Pol. 252
Pol. 320
Pol. 324
Pol. 701
Pol. 800
Pol. 801
Pol. 815

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

***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.*

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.

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 Conduct, 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?

Is there anything else you wish the Title IX Coordinator to know at this time?

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

_____	_____
Signature of Person Making the Report	Date
_____	_____
Received By	Date

FOR OFFICIAL USE ONLY

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

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

Upon receipt of the report, The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary and to discuss the availability of supportive measures as described in Policy 103 and 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 student or 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
☐ Color
☐ Religion
☐ Sexual Orientation
☐ National Origin
☐ Marital Status
☐ Handicap/Disability
☐ Hazing
☐ Age
☐ Religious Creed
☐ Sex
☐ Sexual Harassment (Title IX)
☐ Ancestry
☐ Pregnancy or Related Conditions
☐ Bullying
☐ 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?

Does the complainant believe the conduct will continue? ☐ 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? If unsure, contact the Director of Special Education.

☐ 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.

Identify additional evidence that may be helpful in the course of the investigation.

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/Harassment Affecting Students
☐ Policy 104. Discrimination/Harassment Affecting Staff
☐ Policy 234. Pregnant/Parenting/Married Students
☐ 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 implicitly or explicitly conditioning the provision of an aid, benefit or 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 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
☐ Policy 317.1. Educator Midconduct
☐ Policy 806. Child Abuse
☐ Other _____

☐ Policy 103 Discrimination/Harassment Affecting Students: Attachment 2

Discrimination Complaint Procedures

□ Policy 104 Discrimination/Harassment Affecting Staff: Attachment 2
Discrimination Complaint Procedures

□ Policy 103. Discrimination/Harassment Affecting Students: Attachment 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints
□ Policy 104. Discrimination/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 including the Superintendent and upon advice of legal counsel and upon the request of law enforcement or child welfare agency, 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: _____

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, religious creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or related conditions, or handicap/disability that do not constitute Title IX sexual harassment as defined in Policy 103.

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

All reports of discrimination and retaliation brought pursuant to the district's discrimination policy **will** 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, **113.1,** 218, **233,** 247, 249, 252)

Reasonable Accommodations

Throughout the discrimination complaint procedures, the district **will** 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, homeless students **and other students experiencing educational instability,** consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 138, 251, 906)

Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building principal or Compliance Officer **will** 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 **involving school safety**, reports of educator misconduct, **bullying,** threats, or reports of suspected child abuse. (Pol. 218, **218.1, 218.2, 249,** 317.1, 806, 824)

Timeframes

Reasonably prompt timeframes **will** 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 **will** 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. **Request from law enforcement or child welfare agency.**

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 **designated district** report form or by making a general report **orally** 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 **will** 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, **will** immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy. (Pol. 806)

The building principal **will** 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 **will** report the incident directly to the Title IX Coordinator and/or Compliance Officer.

If the Title IX Coordinator or Compliance Officer is the subject of a complaint, the student, third party or employee will report the incident directly to the Superintendent or designee.

The complainant or reporting individual **will** be encouraged to use the **designated district** report form, however, complaints **will** be accepted in person, by phone, by mail or email, or by any other means that results in the appropriate individual receiving the individual's **oral** or written

report. **Oral** reports **will** be documented using the **designated district report form**, and theseprocedures **will** be implemented.

The Title IX Coordinator **will** review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the **designated district** report form. The Title IX Coordinator **will** 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 **will** consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator **will** conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in this Attachment 2, or if the reported circumstances meet the definition and parameters of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other applicable Board policies.

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

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

Step 2 – Initial Communications/Supports

The complainant **will** 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, **will** 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 **opportunity to report the incident(s) to law enforcement**. The person accepting the complaint

will 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 **will** seek to obtain consent from parents/guardians to initiate an investigation where the complainant 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 **complainant's** participation in an investigation, the building principal or designee **will** explain that the school **will** 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 **will** provide relevant information on resources available in addition to the discrimination complaint procedure, such as making reports to **law enforcement**, available assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.

Informal Remedies -

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

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal remedies **will** 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 **will** contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies, and **will** 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 **will** assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer or an attorney and **will** promptly assign the investigation to that individual. When a parent/guardian has requested confidentiality and will not consent to the **complainant's** participation in an investigation, the Compliance Officer **will** 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 **will** 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 **will** 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 **will** 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 **will** 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 **will** 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 **will** promptly notify the Compliance Officer, who **will** promptly inform law enforcement authorities about the allegations.

The obligation to conduct this investigation **will** 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 **will** not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation, and the reason for **any** such delay **will** be documented by the investigator.

Step 4 – Investigative Report

The investigator **will** prepare and submit a written report to the Compliance Officer within twenty (20) school days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Compliance Officer to establish a different due date. The parties **will** 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 **will** 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 **will** 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 **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 investigative report, to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The respondent **will** 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 **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 discriminatory effect the prohibited conduct had on the complainant and the district education program or activity. District staff **will** document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer 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 Policy 103 or these procedures, 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. (Pol. 113.1, 218, 233, 247, 249**, 317.1, 806, 824**)

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 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 **will** be made to the Superintendent.

The individual receiving the appeal **will** 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 **will** prepare a written response to the appeal within fifteen (15) school days.

Copies of the response **will** 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

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 will 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.

Retaliation will 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 **will** 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 **will** not be the sole reason to conclude that any party made a materially false statement in bad faith.

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 **designated district report form** or by making a general report **orally** 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 **oral** or written report. Upon receipt of a report, school staff **will** immediately notify the building principal.

A report may be made at any time, including during nonbusiness hours. **Oral** reports **will** be documented by the Title IX Coordinator or employee receiving the report using the **designated district report form,** and these procedures **will** be implemented appropriately.

A school employee who suspects or is notified that a student may have been subject to conduct that constitutes a violation of Board Policy 103 will immediately report the incident to the building principal.

If the building principal is the subject of the complaint, reports should be made directly to the Title IX Coordinator.

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 **will** be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator **will** use the **designated district 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 **will** 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 **will** consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator **will** 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**, 113.1, 113.2, 113.3**)

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 **will** redirect the report to the appropriate administrator to address the allegations. (Pol. 103, 103.1, 113.1, **150,** 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 **will** 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 **will** 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 **including the Superintendent,** and upon advice of legal counsel, **and upon request of law enforcement or child welfare agency,** whether to withhold or delay notification of the report from the complainant's parents/guardians.

The Title IX Coordinator **will** 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 **will** 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 **will** 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 **will** 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 will 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 **will** 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 **will** 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 **will** 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 **will** 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 **will** 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**, students experiencing educational instability,** and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 138, 251)

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 **will** contact the Director of Special Education to coordinate the required actions in accordance with Board policy.

The respondent **will** 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 **will** 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. **The employee will be provided with a notice and an opportunity to challenge the emergency removal immediately following removal.**

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 **will** 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 **school safety and security provisions of the PA School Code**, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, **218.3, 236.1,** 317.1, **805.1,** 806, 824)

Timeframes

Reasonably prompt timeframes **will** 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 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 **will** 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. **Request from law enforcement or child welfare agency.**

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 **will** 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 **the** Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator **will** redirect the report to the appropriate administrator to address the allegations.

Written notification **will** 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 **will** 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 **will** use the **applicable** section of the **designated district report form** to file or sign a formal complaint.

The Title IX Coordinator **will** assess whether the investigation should be conducted by the building principal, another district employee, the Title IX Coordinator or an attorney and **will** 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 **will** 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 **will** 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 **will** 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 **will** 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

[Note: The informal resolution process cannot be offered or used to facilitate a resolution for any formal complaint where the allegations state that an employee sexually harassed a student, or if the process would conflict with federal, state or local law.]

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 **or pressure** 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 **will**:

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 **will** be informed of the rights being waived by agreeing to the informal resolution process, and **will** acknowledge such agreement in writing.

3. The informal resolution process **will** 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 **will** document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within twenty (20) school days after the complaint is resolved in this manner, the Title IX Coordinator **will** contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator **will** 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 required.**

Step 3 – Investigation

The designated investigator, if other than the Title IX Coordinator, **will** 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 **and to document the evidence throughout each stage of the investigation**. The investigation stage **will** be concluded within thirty (30) school days.

When investigating a formal complaint, the investigator **will**:

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 **or other legal representative** 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 **gathered through the investigation**, 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 <u>not</u> included in the initial notice **of allegations** provided upon initiation of the grievance process for formal complaints, the investigator **will** alert the Title IX Coordinator. The Title IX Coordinator **will** provide written notice of the new allegations to the known parties.

Prior to the completion of the investigative report, the investigator **will**:

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 <u>at least</u> 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 **will** draft an investigative report that fairly summarizes relevant evidence and **will** 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 **will** promptly notify the Title IX Coordinator, who **will** 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 **will** 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 **will** 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 **will** 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 **will** generally be designated to the Superintendent.

If the Superintendent has a conflict of interest or is a party in the formal complaint process, they **will** disclose the conflict and the Title IX Coordinator **will** 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 **will** afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, **will** provide each party with the answers, and **will** 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 **will** 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 **will** apply the preponderance of the evidence standard, meaning that the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.

In considering evidence, the decision-maker **will** 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 **will** 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 **will** 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 **will** 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 **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 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 **will** be submitted to the Title IX Coordinator within ten (10) school days after the date of the written determination. Notice of appeal **will** include a brief statement describing the basis for the appeal.

The Title IX Coordinator **will** 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 **will** be the District solicitor or outside counsel.

For all appeals, the designated appeal authority **will**:

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 **will** 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 **will** accompany the supporting statement, or it **will** 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 **will** 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 **will** accompany the statement in opposition, or it **will** 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 **will** also be provided to the Title IX Coordinator.

<u>Recordkeeping</u>

The district **must** maintain the following records for 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 **will** 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

NOTE: THIS DOCUMENT SERVES AS A TEMPLATE ONLY AND HAS TO BE MODIFIED BY THE SCHOOL ENTITY PRIOR TO USE. THE DOCUMENT CANNOT BE USED IN ITS CURRENT FORM.

[DISTRICT LETTERHEAD]

ADDRESSED TO: **Complainant's Parents/Guardians or Other Authorized Legal Representative**

RE: Report of discrimination/harassment 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 discrimination and harassment 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 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 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.

The district may offer supportive measures as appropriate regardless of participation in an investigation.

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

Sincerely,

_____
Title IX Coordinator

Book	School District for PNN+
Section	100 Programs
Title	Nondiscrimination - Qualified Students With Disabilities
Code	103.1 Vol IV 2024
Status	Active

Authority

The Board declares it to be the policy of this district to **provide** all district programs and practices free from discrimination against all qualified students with disabilities. The Board recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities.[1][2][3][4][5][6][7][8][9][10]

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

The Board encourages students and parents/guardians who believe they have been subjected to discrimination or harassment to promptly report such incidents to designated employees, **in accordance with Board policy.[10]**

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

Confidentiality

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

Retaliation

The district **and its employees are prohibited from intimidating, threatening, coercing, discriminating or retaliating** against any individual for the purpose of interfering with any right or privilege secured by this policy.

Definitions

Qualified student with a disability - a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the district's educational programs, nonacademic services or extracurricular activities.[11][12]

Section 504 Team - a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors,

psychologists, school nurses, outside care providers and the student's parents/guardians.[4][9]

Section 504 Service Agreement (Service Agreement) - an individualized plan for a qualified student with a disability which sets forth the specific related aids, services or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school's educational programs, nonacademic services and extracurricular activities.[13]

Disability harassment - intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services or opportunities in the school's educational programs, nonacademic services or extracurricular activities.[10]

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable law and regulations, the Board designates the Assistant Superintendent as the district's Section 504 Coordinator. [14]

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

The district shall publish and disseminate this policy and complaint procedure on or before the first day of each school year by posting it on the district's **website** and in the student handbook. The district shall notify parents/guardians of students residing in the district of the district's responsibilities under applicable law and regulations, and that the district does not discriminate against qualified individuals with disabilities.[15][16]

Guidelines

Identification and Evaluation

The district shall conduct an annual child find campaign to locate and identify every district student with a disability thought to be eligible for Section 504 services and protections. The district may combine this search with the district's **Individuals with Disabilities Education Act** (IDEA) child find efforts, in order to not duplicate efforts.[16][17]

If a parent/guardian or the district has reason to believe that a student should be identified as a qualified student with a disability, should no longer be identified as a qualified student with a disability or requires a change in or modification of the student's current Service Agreement, the parent/guardian or the district shall provide the other party with written notice.[18][19][20]

The district shall establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need related services because of a disability.[20]

The district shall specifically identify the procedures and types of tests used to evaluate a student and provide the parent/guardian the opportunity to give or withhold consent to the proposed evaluation(s) in writing.[20]

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

1. Have been validated and are administered by trained personnel.

2. Are tailored to assess educational need and are not based solely on IQ scores.

3. Reflect aptitude or achievement or anything else the tests purport to measure and do not reflect the student's impaired sensory, manual or speaking skills (except where those skills are what is being measured).

Service Agreement

If a student is determined to be a qualified student with a disability, the district shall develop a written Service Agreement for the delivery of all appropriate aids, services or accommodations necessary to provide the student with FAPE.[13]

The district shall not implement a Service Agreement until the written agreement is executed by a representative of the district and a parent/guardian.[13]

The district shall not modify or terminate a student's current Service Agreement without the parent's/guardian's written consent.[18]

Educational Programs/Nonacademic Services/Extracurricular Activities

The district shall educate a qualified student with a disability with students who are not disabled to the maximum extent appropriate to the needs of the student with a disability. A qualified student with a disability shall be removed from the regular educational environment only when the district determines that educating the student in the regular educational environment with the use of related aids, services or accommodations cannot be achieved satisfactorily. Placement in a setting other than the regular educational environment shall take into account the proximity of the alternative setting to the student's home.[21][22]

The district shall not discriminate against any qualified student with a disability in its provision of nonacademic services and extracurricular activities, including but not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, and referrals to agencies which provide assistance to individuals with disabilities.[21][22][23][24][25][26][27]

Parental Involvement

Parents/Guardians have the right to inspect and review all relevant school records of the student, meet with the appropriate school officials to discuss any and all issues relevant to the evaluation and accommodations of their child and give or withhold their written consent to the evaluation and/or the provision of services.[13][19][20][28]

Confidentiality of Student Records

All personally identifiable information regarding a qualified student with a disability shall be treated as confidential and disclosed only as permitted by the Family Educational Rights and

Privacy Act (FERPA) and its implementing regulations, state regulations and Board policy.[29][30][31][32]

Discipline

When necessary, the district shall discipline qualified students with disabilities in accordance with state and federal laws and regulations and Board policies.[33][34]

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use or sale of alcohol or tobacco **products**; or conduct that constitutes an offense listed **in the school safety and security provisions of School Code.[35]**[36][37]

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a qualified student with a disability, including a student for whom an evaluation is pending, to the **law enforcement agency** that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Board policies. The Superintendent or designee shall respond in a manner that is consistent with the student's Service Agreement and Behavior Support Plan, if applicable.[11][13][21][31][33]**[35][38]**[39][40][41][42][43][44][45][46][47][48]

In making a determination of whether to notify the **law enforcement agency** of a discretionary incident committed by a qualified student with a disability, including a student for whom an evaluation is pending, the Superintendent or designee shall use the same criteria used for students who do not have a disability.[10][40][48][49]

For a qualified student with a disability who does not have a Behavior Support Plan as part of the student's Service Agreement, subsequent to notification to law enforcement, the district, in consultation with the student's parent/guardian, shall consider whether a Behavior Support Plan should be developed as part of the Service Agreement to address the student's behavior.[13][41]

In accordance with state law, the Superintendent shall annually, by July 31, report to the **PA Department of Education** on the required form all new incidents committed by qualified students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.**[35][38]**[48]

PROCEDURAL SAFEGUARDS

The district shall establish and implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student's parent/guardian and a review procedure.[28][50]

A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating action **in federal court** under Section 504.[19]

Parental Request for Assistance

Parents/Guardians may file a written request for assistance with the **PA** Department of Education if one (1) or both of the following apply:[28]

1. The district is not providing the related aids, services and accommodations specified in the student's Service Agreement.

2. The district has failed to comply with the procedures and state regulations.

The PA Department of Education shall investigate and respond to requests for assistance and, unless exceptional circumstances exist, shall, within sixty (60) calendar days of receipt of the request, send to the parents/guardians and district a written response to the request. The response to the parents'/guardians' request shall be in the parents'/guardians' native language or mode of communication.[28]

Informal Conference

At any time, parents/guardians may file a written request with the district for an informal conference with respect to the identification or evaluation of a student, or the student's need for related aids, services or accommodations. Within ten (10) school days of receipt of the request, the district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.[28]

Formal Due Process Hearing

If the matters raised by the district or parents/guardians are not resolved at the informal conference, the district or parents/guardians may submit a written request for an impartial due process hearing. The hearing shall be held before an impartial hearing officer and shall be conducted in accordance with state regulations.[28][51]

Judicial Appeals

The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction.[28]

COMPLAINT PROCEDURE

This complaint procedure is in addition to and does not prevent parents/guardians from using any option in the procedural safeguards system.[10]

Step 1 – Reporting

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

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Section 504 building administrator, as well as properly making any mandatory **law enforcement** or child protective services reports required by law.**[48]**[52]

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

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

Step 2 – Investigation

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

The Section 504 building administrator or Section 504 Coordinator and other appropriate individuals will promptly implement appropriate measures to protect the complainant and others as necessary from violation of the policy throughout the course of the investigation.

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

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

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

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Section 504 Coordinator, who shall promptly inform law enforcement authorities about the allegations.[10]**[48]**[52][53][54]

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

Step 3 – Investigative Report

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

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into disability harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.**[10]**

The complainant and the accused shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written report, to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The accused shall not be notified of the individual remedies offered or provided to the complainant.[29][30][31][32]

Step 4 – District Action

If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of this policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Section 504 Coordinator shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

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

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements and state and federal laws.**[33][34][55][56]**

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, **they** may submit a written appeal to the district's Section 504 Coordinator within fifteen (15) days.

2. The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

3. The Section 504 Coordinator shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

PSBA Revision 7/24 @2024

Legal References

1. 22 PA Code 4.4
2. 22 PA Code 12.1
3. 22 PA Code 12.4
4. 22 PA Code 15.1 et seq
5. 29 U.S.C. 794
6. 42 U.S.C. 12101 et seq
7. 28 CFR Part 35
8. 28 CFR Part 36
9. 34 CFR Part 104
10. Pol. 103
11. 22 PA Code 15.2
12. 42 U.S.C. 12102
13. 22 PA Code 15.7
14. 34 CFR 104.7
15. 22 PA Code 15.4
16. 34 CFR 104.32
17. Pol. 113
18. 22 PA Code 15.5

19. 22 PA Code 15.6
20. 34 CFR 104.35
21. 22 PA Code 15.3
22. 34 CFR 104.34
23. 34 CFR 104.37
24. Pol. 112
25. Pol. 122
26. Pol. 123
27. Pol. 810
28. 22 PA Code 15.8
29. 20 U.S.C. 1232g
30. 34 CFR Part 99
31. 22 PA Code 15.9
32. Pol. 216
33. Pol. 218
34. Pol. 233
35. 24 P.S. 1319-B
36. 22 PA Code 10.2
37. 35 P.S. 780-102
38. 24 P.S. 1306.2-B
39. 22 PA Code 10.21
40. 22 PA Code 10.22
41. 22 PA Code 10.23
42. 22 PA Code 10.25
43. Pol. 113.2
44. Pol. 218.1
45. Pol. 218.2
46. Pol. 222
47. Pol. 227
48. Pol. 805.1
49. 22 PA Code 15.1
50. 34 CFR 104.36
51. 22 PA Code 14.162
52. Pol. 806
53. 18 Pa. C.S.A. 2709
54. Pol. 815
55. Pol. 113.1
56. Pol. 317

Book	School District for PNN+
Section	100 Programs
Title	Discrimination/Harassment Affecting Staff
Code	104 Vol I 2025
Status	Active

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, **religious** creed, religion, sex, sexual orientation, ancestry, national origin, marital status, genetic information, handicap/disability **or pregnancy, childbirth or pregnancy-related medical conditions**. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, **as well as pregnancy, childbirth and pregnancy-related conditions,** consistent with the requirements of federal and state laws and regulations.[1][2][3][4][5][6][7]**[8]**[9][10][11]**[12]**[13][14]**[15]**

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 **Office** 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**, applicants** 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 **Title IX Coordinator**. 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.

An employee serving in a supervisory position who suspects or is notified that a district employee may have been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Title IX Coordinator.

If the building principal 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.

If the Title IX Coordinator is the subject of a complaint, the complainant or building principal shall direct the report of the incident to the Superintendent or designee.

The complainant or the individual making the report may use the **designated district report form** attached to this policy for purposes of reporting an incident or incidents in writing; however, **oral** 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 **conduct is** most appropriately addressed through the Discrimination Complaint Procedures prescribed in Attachment 2 to this policy, or if the reported **conduct meets** the definition of Title IX sexual harassment and **is** most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other Board policies.

Disciplinary Procedures when Reports Allege Title IX Sexual Harassment

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

Administrative Leave –

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

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

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report, and the investigation related to any form of discrimination or retaliation, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, **Board** policy, the attachments and the district's legal and investigative obligations.[16][17][18][19][20]

Retaliation

The Board prohibits retaliation by the district or any other person against any person for:[19]

1. Reporting or making a formal complaint of **conduct that may constitute** discrimination or retaliation, including Title IX sexual harassment.

2. Testifying, assisting, participating **in any manner** 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, **harassing,** 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.

Pregnancy, childbirth and pregnancy-related medical conditions, as defined in federal law, refers to the pregnancy or childbirth of the specific employee and includes, but is not limited to, current pregnancy; past pregnancy or recovery; termination of pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment and the use of contraception); labor; childbirth; and lactation. Related medical conditions are medical conditions relating to the pregnancy, termination of pregnancy, childbirth or lactation of the specific employee.[21]

Pregnancy, as defined in state regulation, shall include the use of assisted reproductive technology, the state of being in gestation, childbirth, breastfeeding, the postpartum period after childbirth and medical conditions related to pregnancy.[22]

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, **religious** 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**, or association with an individual who has a protected classification,** consisting of **objectively and subjectively hostile** conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes **or comments**, slurs, **stereotypes,** epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, **ostracism,** or other conduct that **affects a term, condition or privilege of**

employment, and may be harmful or humiliating or interfere with a person's school or school-related work performance, including when:[10]

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.

Examples of harassment based on race, color, ancestry or national origin may include but not be limited to harassment regarding traits or characteristics related to an individual's name, cultural dress or diet, accent, linguistic characteristics or manner of speech, or physical characteristics, such as hairstyles or hair texture.

Harassment based on religion, religious creed, sex, pregnancy or related conditions, or handicap/disability may include harassment based on a request for or receipt of a reasonable accommodation.

Discrimination or harassment based on handicap/disability may also include harassment based on how an individual speaks, looks or moves, as well as discrimination or harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability; has a record or history of a disability, even if the individual does not currently have a disability; or is associated with an individual who has a disability.

Religious creed includes all aspects of religious observance, practice or belief.[23]

Race includes all of the following:[24]

1. **Ancestry, national origin or ethnic characteristics.**

2. **Interracial marriage or association.**

3. **Traits associated with race, which includes but is not limited to, hair texture and protective hairstyles, such as braids, locks and twists.**

4. **Hispanic ancestry, national origin or ethnic characteristics.[22]**

5. **Persons of any other national origin or ancestry as specified by a complainant or in a complaint.**

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.[18][25]

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.[25]

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:[25]

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 **or other activities**.
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:[25]

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:[26]

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 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.[26]

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.[27]

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:[26]

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.[17][18][25]

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 Assistant Superintendent as the district's Compliance Officer and Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at: [28]

Address: P.O. Box 428
Lampeter, PA 17537

Phone Number: (717)464-3311

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.[29][30][31][32]

Reports of Discrimination

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

Reports of Title IX Sexual Harassment

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

Legal 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. 29 CFR Part 1636
9. 42 U.S.C. 1981 et seq
10. 42 U.S.C. 2000e et seq
11. 42 U.S.C. 2000ff et seq
12. 42 U.S.C. 2000gg et seq
13. 42 U.S.C. 12101 et seq
14. U.S. Const. Amend. XIV, Equal Protection Clause
15. 29 U.S.C. 218d
16. 20 U.S.C. 1232g
17. 34 CFR 106.44
18. 34 CFR 106.45
19. 34 CFR 106.71

20. 34 CFR Part 99
21. 29 CFR 1636.3
22. 16 PA Code 41.204
23. 16 PA Code 41.205
24. 16 PA Code 41.207
25. 34 CFR 106.30
26. 34 U.S.C. 12291
27. 20 U.S.C. 1092
28. 34 CFR 106.8
29. Pol. 317
30. Pol. 317.1
31. Pol. 806
32. Pol. 824
16 PA Code 41.201 et seq
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
U.S. Equal Employment Opportunity Commission - Questions and Answers on Religious Discrimination in the Workplace
U.S. Equal Employment Opportunity Commission (EEOC) Enforcement Guidance on Harassment in the Workplace (2024)
Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 (2020)
Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Groff v. DeJoy, 600 U.S. 447 (2023)
Pol. 320
Pol. 324
Pol. 335
Pol. 336
Pol. 339
Pol. 800
Pol. 801
Pol. 815

DISCRIMINATION/HARASSMENT/RETALIATION
REPORT FORM

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.

The Board declares it to be the policy of this district to provide a safe, positive learning and working environment that is free from discrimination and harassment, including sex-based harassment 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 making 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 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.

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

Assigned School Building(s):

I am a(n):

☐ Employee ☐ Volunteer ☐ Visitor

☐ Other _____ (please explain relationship to the district education program or activity)

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

Name: _____

The alleged victim is:

☐ Another Employee ☐ Student

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

II. Information About the Person(s) You Believe is/are Responsible for the Conduct 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:

☐ Employee(s)

☐ Student(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?

Is there anything else you wish the Title IX Coordinator to know at this time?

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

_____	_____
Signature of Person Making the Report	Date
_____	_____
Received By	Date

FOR OFFICIAL USE ONLY

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

The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sexual harassment, other forms of discrimination or harassment, or if the matter merits review and action under 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 104 and the Formal Complaint Process. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

I. Reporter Information:

Name: _____

Address: _____

Phone Number: _____

Assigned School Building(s):

Reporter is a(n):

☐ 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:

☐ Another Employee ☐ Student

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

II. Respondent Information

Please provide 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
☐ Other _____

Nature of the Report (check all that apply):

☐ Race
☐ Color
☐ Religion
☐ Sexual Orientation
☐ National Origin
☐ Marital Status
☐ Handicap/Disability
☐ Age
☐ Religious Creed
☐ Sex
☐ Pregnancy or Related Conditions
☐ Ancestry
☐ Genetic Information
☐ Sexual Harassment

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?

Does the complainant believe the conduct will continue? ☐ 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? If unsure, contact the Director of Special Education.

☐ 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 programs or activities in the course of 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.

Identify additional evidence that may be helpful in the course of the investigation.

VI. Safety Concerns

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

☐ No.

☐ Yes, please describe:

VII. Other Reports

Has the conduct been reported to law enforcement or any other agency?

☐ No

☐ Yes Date reported: _____ Agency: _____

VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

☐ Policy 103. Discrimination/Harassment Affecting Students
☐ Policy 104. Discrimination/Harassment Affecting Staff
☐ 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 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 the aid, benefit or service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo 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 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 104 Discrimination/Harassment Affecting Staff: Discrimination Complaint Procedures

☐ Policy 104. Discrimination/Harassment Affecting Staff: Grievance Process for Formal Complaints

☐ Other _____

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. Determine what supportive measures may be offered to the respondent.
4. 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 of sexual harassment 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 instead 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. 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 initiation of the Grievance Process for Formal Complaints for the following reasons:

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

Title IX Coordinator's Signature: _____

Date: _____

DISCRIMINATION
COMPLAINT PROCEDURES

The Discrimination Complaint Procedures prescribed in this Attachment apply to reports of retaliation or discrimination on the basis of race, color, age, religious creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or related conditions, 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 **will** 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, **113.1,** 218, **233,** 317)

Reasonable Accommodations

Throughout the discrimination complaint procedures, the district **will** make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, **as well as reasonable accommodations for pregnancy and pregnancy-related conditions,** consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 104, 113, **234**, 906)

Required Reporting Under Other Policies

In addition to implementing the complaint procedures, the building principal or Compliance Officer **will** 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 **involving school safety**, 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 **will** 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 **or child welfare agency**.

3. Need for language assistance or accommodation**s.**

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 **or Title IX Coordinator** using the **designated district report form** or by making a general report **orally** or in writing to the building principal. 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.

An employee serving in a supervisory position who suspects or is notified that a district employee may have been subject to conduct that constitutes a violation of this policy, will immediately report the incident to the Title IX Coordinator.

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. **(Pol. 103)**

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 **Title IX Coordinator**.

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

If the building principal**, Title IX Coordinator or Compliance Officer** is the subject of a complaint, the person making the report **will** report the incident directly to the **Superintendent or designee**.

The complainant or reporting individual shall be encouraged to use the **designated district report form**, however, complaints shall be accepted in person, by phone, by mail or email, or by any other means that results in the appropriate individual receiving the individual's **oral** or written report. **Oral** reports **will** be documented using the **designated district 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 **designated district report form**. The Title IX Coordinator **will** 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 **will** conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in this **document**, 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 3, or other applicable Board policies.

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

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

Step 2 – Initial Communications/Supports

The complainant shall be informed about the Board's policy on discrimination, including the right to an investigation of both **oral** 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 **opportunity to report incident(s) to law enforcement**. 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 **will** provide relevant information on resources available in addition to the discrimination complaint procedure, such as making reports to **law**

enforcement, 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 **will** 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 **will** contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies, and **will** 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 **will** assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer or an attorney and **will** promptly assign the investigation to that individual. **The individual assigned to investigate the complaint must not be an employee supervised by the respondent or the complainant.**

The Compliance Officer **will** 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. **The individual must have received training on** how to conduct investigations**, including interviewing witnesses and evaluating credibility,** and **how to** draft an investigative report.

The investigator **will** 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 **will** 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 **will** promptly notify the Compliance Officer, who **will** promptly inform law enforcement authorities about the allegations.

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

The investigative report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated Board Policy 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 **will** 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 **will** 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 **will** 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 **will** document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer **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 Policy 104 or these procedures, 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. (Pol. 113.1, 218, 233,317**, 317.1, 806, 824**)

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 **will** 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 **will** prepare a written response to the appeal within fifteen (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

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 will follow the complaint procedures established in Policy 104 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.

Retaliation will 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 **will** 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 **will** not be the sole reason to conclude that any party made a materially false statement in bad faith.

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 **designated district report form** or by making a general report **orally** 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 **oral** or written report. Upon receipt of a report, school staff **will** immediately notify the building principal.

A report may be made at any time, including during nonbusiness hours. **Oral** reports **will** be documented by the Title IX Coordinator or employee receiving the report using the **designated district report form**, and these procedures **will** 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.

An employee serving in a supervisory position who suspects or is notified that a district employee may have been subject to conduct that constitutes a violation of this policy will immediately report the incident to the Title IX Coordinator.

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 **will** be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator **will** use the **designated district 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 **will** 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 **will** consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator **will** 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**, 113.1, 113.2, 113.3**)

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 **the** Attachment addressing Discrimination Complaint **Procedures**, then the Title IX Coordinator **will** 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 **will** 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 **will** 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 **will** 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 **will** 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 **will** 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 **will** 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 **will** 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 **will** 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, 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 **will** 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. **The employee will be provided notice, and an opportunity to challenge the emergency removal immediately following the removal.**

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.

Required Reporting Under Other Policies -

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator **will** 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 **school safety and security provisions of the PA School Code**, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 317.1, 805.1, 806, 824)

<u>Timeframes</u>

Reasonably prompt timeframes **will** 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 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 **will** 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. **Request from** law enforcement **or child welfare agency** activity.

3. Need for language assistance or accommodation of disabilities**, including pregnancy, childbirth or pregnancy-related conditions**.

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 **will** 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 **will** redirect the report to the appropriate administrator to address the allegations.

Written notification **will** 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 **will** 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 **will** use the **applicable** section of the **designated district report form** to file or sign a formal complaint.

The Title IX Coordinator **will** assess whether the investigation should be conducted by the building principal, another district employee, the Title IX Coordinator or an attorney and **will** 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 **will** 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 **will** 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 **will** 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 **will** 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

[Note: The informal resolution process cannot be offered or used to facilitate a resolution for any formal complaint where the allegations state that an employee sexually harassed a student, or if the process would conflict with federal, state or local law.]

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 **or pressure** 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 **will**:

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 **will** be informed of the rights being waived by agreeing to the informal resolution process, and **will** acknowledge such agreement in writing.

3. The informal resolution process **will** 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 **will** document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within twenty (20) school days after the complaint is resolved in this manner, the Title IX Coordinator **will** contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator **will** 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 required.**

Step 3 – Investigation

The designated investigator, if other than the Title IX Coordinator, **will** 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 **and to document the evidence throughout each stage of the investigation**. The investigation stage **will** be concluded within thirty (30) school days.

When investigating a formal complaint, the investigator **will**:

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 **or other legal**

representative 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 **gathered through the investigation**, 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 <u>not</u> included in the initial notice **of the allegations** provided upon initiation of the grievance process for formal complaints, the investigator **will** alert the Title IX Coordinator. The Title IX Coordinator **will** provide written notice of the new allegations to the known parties.

Prior to the completion of the investigative report, the investigator **will**:

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 **will** draft an investigative report that fairly summarizes relevant evidence and **will** 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 **will** promptly notify the Title IX Coordinator, who **will** 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 **will** 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 **will** 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 **will** 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 **will** generally be designated to the Superintendent.

If the Superintendent has a conflict of interest or is a party in the formal complaint process, they **will** disclose the conflict and the Title IX Coordinator **will** 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 **will** afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, **will** provide each party with the answers, and **will** 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 **will** 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 **will** apply the preponderance of the evidence standard, meaning that the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.

In considering evidence, the decision-maker **will** 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 **will** 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 **will** 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 **will** 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 **will** 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 **will** be submitted to the Title IX Coordinator within ten (10)

school days after the date of the written determination. Notice of appeal **will** include a brief statement describing the basis for the appeal.

The Title IX Coordinator **will** 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 **will** be the District solicitor or outside counsel.

For all appeals, the designated appeal authority **will**:

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 **will** 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 **will** accompany the supporting statement, or it **will** 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 **will** 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 **will** accompany the statement in opposition, or it **will** 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 **will** also be provided to the Title IX Coordinator.

<u>Recordkeeping</u>

The district **must** maintain the following records for 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 **will** 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	School District for PNN+
Section	300 Employees
Title	Freedom of Speech by Employees
Code	320 Vol II 2025
Status	Active

Authority

The Board respects employees' freedom of speech. Public school employees do not surrender their rights to free speech merely because of their status as an employee of the school district. The Board acknowledges the right of administrative, professional and support employees as **private** citizens in a democratic society to speak on issues of public concern.

The Board adopts this policy to clarify situations in which an employee's expression could conflict with the district's interests**, when the employee is not engaged in assigned duties. In such instances, the district, in coordination with the school solicitor, must balance the employee's interests regarding freedom of expression on issues of public concern as a private citizen against the interests of this district in promoting the efficient and effective functioning and educational purpose of the district.**

In situations in which a district employee is not engaged in the performance of assigned duties, **the employee's freedom of speech may be addressed when the employee's speech impacts efficiency or constitutes a reasonable likelihood of disruption, as indicated by any one of the following**:

1. **Impairing discipline by superiors or harmony among co-workers;**
2. **Having a detrimental impact on close working relationships requiring loyalty and confidence;**
3. **Impeding the performance of the duties of the employee that conducted the speech; or**
4. **Interfering with the operations of the school district.**

Any decisions based on the above listing shall take into consideration all of the facts of each individual situation and shall include consultation with the school solicitor.

Legal References
22 PA Code 235.1 et seq
PA Const. Art. I Sec. 7

U.S. Const. Amend. I
Connick v. Myers, 461 U.S. 138 (1983)
Dougherty v. Sch. Dist. of Philadelphia, 772 F.3d 979, 991 (3d Cir. 2014)
Garcetti v. Ceballos, 547 U.S. 410 (2006)
Natalie Munroe v. Central Bucks School District, 805 F.3d 454 (3d Cir. 2019)
Pickering v. Board of Education, 391 U.S. 563 (1968)
Pol. 816

Book	School District for PNN+
Section	800 Operations
Title	Opioid Antagonist
Code	823 Vol VI 2024
Status	Active

Authority

As a means of enhancing the health and safety of its students, staff and visitors, the district may obtain, maintain and administer doses of an opioid antagonist and other facilities for emergency use to assist a student, staff member or other individual believed or suspected to be experiencing an opioid overdose.[1][2]

Definitions

Drug overdose - shall mean an acute medical condition, including, but not limited to, severe physical illness, coma, mania, hysteria or death, which is the result of consumption or use of one or more controlled substances causing an adverse reaction. An individual's condition may be deemed to be a drug overdose if a prudent person, possessing an average knowledge of medicine and health, would reasonably believe that the condition is in fact a drug overdose and requires immediate medical attention.[1]

Opioid - shall mean illegal drugs such as heroin, as well as prescription medications used to treat pain such as morphine, codeine, methadone, oxycodone, hydrocodone, fentanyl, hydromorphone and buprenorphine.

Opioid antagonist - a drug or device approved by federal law for emergency reversal of known or suspected opioid overdose, including naloxone hydrochloride or other similarly acting drugs approved by the U.S. Food and Drug Administration for the treatment of an opioid overdose.[2][3]

Delegation of Responsibility

The Superintendent or designee, in consultation with the school nurse(s) and the school physician, shall establish appropriate internal procedures for the acquisition, stocking and administration of **opioid antagonists** and related emergency response procedures pursuant to this policy.

The school physician shall be the prescribing and supervising medical professional for the district's stocking and use of **opioid antagonists**. The Superintendent or designee shall obtain a standing order from the school physician for administration of **opioid antagonists**.

The school nurse shall be responsible for **managing the** building-level administration**, maintenance and stocking** of **opioid antagonists**.

Guidelines

The school nurse shall develop a plan for annually informing all parents/guardians, students and staff about this policy and specifically:

1. The availability of **an opioid antagonist** to treat opioid drug overdoses and what it does;

2. The symptoms of opioid drug overdoses;

3. How students and staff should report suspected overdoses;

4. The protection from criminal prosecution provided by law for persons who report a suspected overdose using their real name and remain with the overdosing person until emergency medical services (EMS) or law enforcement arrive, as well as for the person whose overdose they report; and[1][2]

5. The protection from civil liability provided by law for persons who report overdoses or administer **an opioid antagonist** in overdose emergencies.[1][2]

Standing Order From the School Physician

The school physician shall provide and annually renew a standing order for administration of **an opioid antagonist** to students, staff members or other individuals believed or suspected to be experiencing an opioid overdose.

The standing order shall include at least the following information:

1. Type of **opioid antagonist** (intranasal and auto-injector).

2. Date of issue.

3. Dosage.

4. Signature of the school physician.

The standing order shall be maintained in the Superintendent's office, and copies of the standing order shall be kept in each location where **an opioid antagonist** is stored.

Training

Before any school district employee may have custody of **an opioid antagonist** or administer **an opioid antagonist** under this policy, the employee must successfully complete an online Pennsylvania Department of Health training program about recognizing opioid-related overdoses, administering **an opioid antagonist** and promptly seeking medical attention for drug overdoses. Evidence that such training has been completed shall be placed in the employee's personnel file.[2][4]

A list of school district employees who successfully complete such training shall be maintained, updated and kept in the school nurse's office and the school district administration office.

Acquisition, Storage and Disposal

Opioid antagonists shall be safely stored in the school nurse's office or other location designated by the school nurse in accordance with the drug manufacturer's instructions.

Opioid antagonists shall be made readily accessible to those employees who have completed the required training to administer it in the event of a suspected drug overdose. All properly trained employees shall be informed of the exact location where **an opioid antagonist** is being stored within the school nurse's office or other location.

The school nurse shall obtain sufficient supplies of **opioid antagonists** pursuant to the standing order in the same manner as other medical supplies acquired for the school health program. The school nurse or designee shall regularly inventory and refresh **opioid antagonist** stocks, and maintain records thereof, in accordance with the established internal procedures, manufacturer recommendations and Department of Health Guidelines.

Administration of **an Opioid Antagonist**

When responding to a suspected drug overdose, district employees shall follow the steps outlined below:

1. Call for medical help immediately (Dial 9-1-1).
2. Check for signs of opioid overdose.
3. Perform initial rescue breathing (or CPR if needed), as instructed in training.
4. Administer **the opioid antagonist**, as instructed in training.
5. Continue rescue breathing (or CPR if needed), as instructed in training.
6. Administer second dose of **the opioid antagonist** if needed, as instructed in training.
7. Place in recovery position, as instructed in training.
8. Stay with the individual until emergency medical help arrives.
9. Cooperate with EMS personnel responding to the incident.
10. Notify the building administrator or designee of the incident.

Referral to Law Enforcement and Parental Notification

The Superintendent or designee shall immediately report incidents involving the use of controlled substances 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 **law enforcement agency** 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 **law** enforcement and Board policies.[5][6][7]**[8][9]**[10][11]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving use of controlled substances immediately, as soon as

practicable. The Superintendent or designee shall inform the parent/guardian whether or not the **law enforcement agency** 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.[5][10][11][12]

Referral to Student Assistance Program

Any student who experiences a drug overdose shall be referred to the district's Student Assistance Program.[13]

Indemnification

The school district shall indemnify and hold harmless any employee who administers **an opioid antagonist** in good faith to another individual experiencing a suspected drug overdose, if all of these conditions apply:[2][14][15]

1. The employee did not act with the intent to harm or with reckless indifference to a substantial risk or harm in administering **an opioid antagonist** to that individual.

2. The employee successfully completed the training contemplated by this policy.

3. The employee promptly sought additional medical assistance before or immediately after administering **an opioid antagonist**.

4. The employee is administering **an opioid antagonist** pursuant to this policy.

Legal References

1. 35 P.S. 780-113.7
2. 35 P.S. 780-113.8
3. 21 U.S.C. 301 et seq
4. Pol. 324
5. 22 PA Code 10.2
6. 22 PA Code 10.21
7. 22 PA Code 10.22
8. 24 P.S. 1306.2-B
9. 24 P.S. 1319-B
10. Pol. 227
11. Pol. 805.1
12. 22 PA Code 10.25
13. Pol. 236
14. 42 Pa. C.S.A. 8547
15. 42 Pa. C.S.A. 8548

Book	School District for PNN+
Section	800 Operations
Title	Maintaining Professional Adult/Student Boundaries
Code	824 Vol IV 2024
Status	Active

Authority

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

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

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

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

Definition

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

Delegation of Responsibility

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

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

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

Guidelines

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

Prohibited Conduct

Romantic or Sexual Relationships -

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

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

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

Social Interactions -

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

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

1. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students.

2. Exchanging notes, emails or other communications of a personal nature with a student.

3. Giving personal gifts, cards or letters to a student without written approval from the building principal.

4. Touching students without a legitimate educational reason. (Reasons could include the need for assistance when injured, a kindergartner having a toileting accident and requiring assistance, appropriate coaching instruction or appropriate music instruction).

5. Singling out a particular student or students for personal attention or friendship beyond the ordinary professional adult-student relationship.

6. Taking a student out of class without a legitimate educational reason.

7. Being alone with a student behind closed doors without a legitimate educational reason.

8. Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason.

9. Sending or accompanying a student on personal errands.

10. Inviting a student to the adult's home.

11. Going to a student's home without a legitimate educational reason.

12. Taking a student on outings without prior notification to and approval from both the parent/guardian and the building principal.

13. Giving a student a ride alone in a vehicle in a nonemergency situation without prior notification to and approval from both the parent/guardian and the building principal.

14. Addressing students or permitting students to address adults with personalized terms of endearment, pet names or otherwise in an overly familiar manner.

15. Telling a student personal secrets, sharing personal secrets with a student **or asking students to keep any conversation, gift or activity a secret.**

16. For adults who are not guidance/counseling staff, psychologists, social workers or other adults with designated responsibilities to counsel students, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, the student should be referred to the appropriate school resource.

17. Furnishing alcohol, drugs or tobacco to a student or being present where any student is consuming these substances.

18. Engaging in harassing or discriminatory conduct prohibited by other district policies or by state or federal law and regulations.[5][6]

Electronic Communications -

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

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

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

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

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

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

<u>Exceptions</u>

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

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

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

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

boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

Reporting Inappropriate or Suspicious Conduct

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

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

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

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

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

Investigation

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

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

Disciplinary Action

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

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

Training

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

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

Legal References

1. 24 P.S. 510
2. Pol. 818
3. 18 Pa. C.S.A. 3124.2
4. 24 P.S. 2070.9f
5. Pol. 103
6. Pol. 103.1
7. Pol. 815
8. Pol. 104
9. 23 Pa. C.S.A. 6311
10. Pol. 806
11. 24 P.S. 2070.9a
12. Pol. 317.1
13. 24 P.S. 1306.2-B
14. 24 P.S. 1319-B
15. 22 PA Code 10.2
16. 22 PA Code 10.21
17. 22 PA Code 10.22
18. Pol. 805.1
19. Pol. 317
20. Pol. 113.1
21. Pol. 218
22. Pol. 233

24 P.S. 2070.1a et seq
22 PA Code 235.1 et seq
23 Pa. C.S.A. 6301 et seq

Book	School District for PNN+
Section	800 Operations
Title	Conflict of Interest
Code	827 Vol III 2025
Status	Active

Purpose

This policy shall affirm standards of conduct established to ensure that Board members and employees avoid potential and actual conflicts of interest, as well as the perception of a conflict of interest.

Definitions

Confidential information shall mean information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.[1]

Conflict or **Conflict of interest** shall mean use by a Board member or district employee of the authority of his/her office or employment, or any confidential information received through his/her holding public office or employment, for the private pecuniary benefit of him/herself, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated. The term does not include an action having a de minimis economic impact, or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the Board member or district employee, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated.[1]

For federal purposes, a conflict of interest includes when the employee, officer, agent, or Board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of those individuals, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract.[2]

De minimis economic impact shall mean an economic consequence which has an insignificant effect.[1]

Financial interest shall mean any financial interest in a legal entity engaged in business for profit which comprises more than five percent (5%) of the equity of the business or more than five percent (5%) of the assets of the economic interest in indebtedness.[1]

Honorarium shall mean payment made in recognition of published works, appearances, speeches and presentations, and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in nature. The term does not include tokens presented or provided which are of de minimis economic impact.[1]

Immediate family shall mean a parent, parent-in-law, spouse, child, spouse of a child, brother, brother-in-law, sister, sister-in-law, or the domestic partner of a parent, child, brother or sister.[1]

Business partner shall mean a person who, along with another person, plays a significant role in owning, managing, or creating a company in which both individuals have a financial interest in the company.

Delegation of Responsibility

Each employee and Board member shall be responsible to maintain standards of conduct that avoid conflicts of interest. The Board prohibits members of the Board and district employees from engaging in conduct that constitutes a conflict of interest as outlined in this policy.

Guidelines

All Board members and employees shall be provided with a copy of this policy and acknowledge in writing that they have been made aware of it. Additional training shall be provided to designated individuals.

Disclosure of Financial Interests

No Board member shall be allowed to take the oath of office or enter or continue upon his/her duties, nor shall s/he receive compensation from public funds, unless s/he has filed a statement of financial interests as required by law.[3]

The district solicitor and designated district employees shall file a statement of financial interests as required by law and regulations.[4][5]

Standards of Conduct

The district maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees and Board members engaged in the selection, award and administration of contracts.[2]

No employee or Board member may participate in the selection, award or administration of a contract supported by a federal award if s/he has a real or apparent conflict of interest as defined above, as well as any other circumstance in which the employee, Board member, any member of his/her immediate family, his/her business partner, or an organization which employs or is about to employ any of them, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.[2]

The district shall not enter into any contract with a Board member or employee, or his/her spouse or child, or any business in which the person or his/her spouse or child is associated valued at $500 or more, nor in which the person or spouse or child or business with which associated is a subcontractor unless the Board has determined it is in the best interests of the district to do so, and the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the Board member or employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract.[1]

When advertised formal bidding is not required or used, an open and public process shall include at a minimum:

1. Public notice of the intent to contract for goods or services;

2. A reasonable amount of time for potential contractors to consider whether to offer quotes; and

3. Post-award public disclosure of who made bids or quotes and who was chosen.

Any Board member or employee who in the discharge of his/her official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his/her interest as a public record in a written statement to be attached to the Board minutes.[1]

No **Board member** or **district** employee shall accept an honorarium.[1]

Board members and employees may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value. Gifts of a nominal value may be accepted in accordance with Board policy.[2][6]

Improper Influence

No person shall offer or give to a Board member, employee or nominee or candidate for the Board, or a member of his/her immediate family or a business with which s/he is associated, anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment based on the offeror's or donor's understanding that the vote, official action or judgment of the Board member, employee or nominee or candidate for the Board would be influenced thereby.[1]

No Board member, employee or nominee or candidate for the Board shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding of that Board member, employee or nominee or candidate that the vote, official action or judgment of the Board member, employee or nominee or candidate for the Board would be influenced thereby.[1]

Organizational Conflicts

Organizational conflicts of interest may exist when due to the district’s relationship with a subsidiary, affiliated or parent organization that is a candidate for award of a contract in connection with federally funded activities, the district may be unable or appear to be unable to be impartial in conducting a procurement action involving a related organization.[2]

In the event of a potential organizational conflict, the potential conflict shall be reviewed by the Superintendent or designee to determine whether it is likely that the district would be unable or appear to be unable to be impartial in making the award. If such a likelihood exists, this shall not disqualify the related organization; however, the following measures shall be applied:

1. The organizational relationship shall be disclosed as part of any notices to potential contractors;

2. Any district employees or officials directly involved in the activities of the related organization are excluded from the selection and award process;

3. A competitive bid, quote or other basis of valuation is considered; and

4. The Board has determined that contracting with the related organization is in the best interests of the program involved.

Reporting Conflicts of Interest

Any perceived conflict of interest that is detected or suspected by any employee or third party shall be reported to the Superintendent. If the Superintendent is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Board President.

Any perceived conflict of interest of a Board member that is detected or suspected by any employee or third party shall be reported to the Board President. If the Board President is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Superintendent, who shall report the incident to the solicitor.

No reprisals or retaliation shall occur as a result of good faith reports of conflicts of interest. **The district shall provide written notification of such protections to district employees.[7]**

The Superintendent or designee shall report in writing to the federal awarding agency or pass-through entity any potential conflict of interest related to a federal award, in accordance with federal awarding agency policy.[8]

Investigation

Investigations based on reports of perceived violations of this policy shall comply with state and federal laws and regulations. No person sharing in the potential conflict of interest being investigated shall be involved in conducting the investigation or reviewing its results.

In the event an investigation determines that a violation of this policy has occurred, the violation shall be reported to the federal awarding agency in accordance with that agency's policies.[8]

Disciplinary Actions

If an investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, when not prohibited by law, inform the complainant.

Violations of this policy may result in disciplinary action **for employees** up to and including discharge, fines and possible imprisonment. Disciplinary actions shall be consistent with Board policies, procedures, applicable collective bargaining agreements and state and federal laws.[9]

Legal References
1. 65 Pa. C.S.A. 1101 et seq
2. 2 CFR 200.318
3. Pol. 004
4. 51 PA Code 15.2
5. 65 Pa. C.S.A. 1104
6. Pol. 322
7. 2 CFR 200.217
8. 2 CFR 200.112
9. Pol. 317
Pol. 011
Pol. 319
Pol. 609
Pol. 702

Book	School District for PNN+
Section	800 Operations
Title	Security of Computerized Personal Information/Breach Notification
Code	830 Vol II 2023
Status	Active

Purpose

The Board is committed to the security of the district's computerized data and to addressing the risk of a breach of the district's systems involving the possible disclosure of personal information. This policy addresses the manner in which the district will respond to unauthorized access and acquisition of computerized data that compromises the security and confidentiality of personal information.

Authority

The Board requires that records containing personal information be securely maintained, stored and managed in compliance with state and federal laws, regulations, Board policy, administrative regulations and the district's Records Management Plan.[1][2][3][4][5][6][7][8]

The Board directs **the** district **to provide notice as required by law** to any resident **of the Commonwealth** whose unencrypted and unredacted personal information was or is reasonably believed to have been accessed or acquired by unauthorized persons.[1]

Definitions

Breach of the security of the system - unauthorized access and acquisition of computerized data that materially compromises the security or confidentiality of personal information maintained by the district as part of **a** database of personal information regarding multiple individuals and that **causes, or** the district reasonably believes has caused**,** or will cause**,** loss or injury to any resident **of the Commonwealth**. **Acquisition** of personal information by an employee or agent **acting in good faith on behalf** of the school district is not a breach of the security of the system if the personal information is not used for a purpose other than the lawful purpose of the district and is not subject to further unauthorized disclosure.[9]

Determination - a verification or reasonable certainty that a breach of the security of the system has occurred.[9]

Discovery - the knowledge of or reasonable suspicion that a breach of the security of the system has occurred.[9]

Encryption - the use of an algorithmic process to transform data into a form in which there is a low probability of assigning meaning without use of a confidential process or key.[9]

Personal information - includes an individual's **first name or** first initial and last name in combination with and linked to any one or more of the following, when not encrypted or redacted:[9]

1. Social Security number.

2. Driver's license number or state identification card number issued instead of a driver's license.

3. Financial account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account.

4. **Medical information, meaning any individually identifiable information contained in the individual's current or historical record of medical history or medical treatment or diagnosis created by a health care professional.[9]**

5. **Health insurance information, meaning an individual's health insurance policy number or subscriber identification number in combination with access code or other medical information that permits misuse of an individual's health insurance benefits.[9]**

6. **A user name or email address, in combination with a password or security question and answer that would permit access to an online account.**

Personal information does not include publicly available information that is lawfully made available to the general public from federal, state or local government records **or widely distributed media**.**[9][10]**

Records - means any material, regardless of its physical form, on which information is recorded or preserved by any means, including written or spoken words, graphically depicted, printed or electromagnetically transmitted. This term does not include publicly available directories containing information that an individual has voluntarily consented to have publicly disseminated or listed, such as name, address or telephone number.[9]

Redact - includes, but is not limited to, alteration or truncation such that no more than the last four (4) digits of a Social Security number, driver's license number, state identification card number or account number is accessible as part of the data.[9]

Delegation of Responsibility

The Superintendent or designee shall ensure that the district provides notice, **as required by law,** of any breach **of the security of the district's systems.[1]**

The Superintendent, in collaboration with appropriate administrators, shall develop administrative regulations to implement this policy, which shall include, but not be limited to:[1]

1. **Procedures following discovery of a breach.**

2. **Procedures for the determination of a breach and whether breach notification is required under the law.**

3. **Breach notification procedures including timeline requirements, who must be notified and methods for such notice.**

Guidelines

Upon determination of a breach of the security of the system, the Superintendent or designee shall provide notice to **the district attorney in the county where the breach occurred and to** any resident **of the Commonwealth** whose unencrypted and unredacted personal information was or is reasonably believed to have been accessed and acquired by an unauthorized person. Such notice shall be made **in accordance with the provisions of law regarding timelines and methods of notification**.**[1]**

The notice shall be made without **an unreasonable** delay, except when a law enforcement agency determines and advises the district in writing**, citing the applicable section of law,** that the notification would impede a criminal or civil investigation, or the district must take necessary measures to determine the scope of the breach and to restore the reasonable integrity of the data system.[11]**[12]**

The district **shall** also provide notice of the breach if the encrypted information is accessed and acquired in an unencrypted form, if the security breach is linked to a breach of security of the encryption, or if the security breach involves a person with access to the encryption key.**[1]**

Legal References

1. 73 P.S. 2301 et seq
2. Pol. 113.4
3. Pol. 216
4. Pol. 324
5. Pol. 800
6. Pol. 800.1
7. Pol. 815
8. Pol. 830.1
9. 73 P.S. 2302
10. Pol. 801
11. 73 P.S. 2303
12. 73 P.S. 2304

15 U.S.C. 1681a

LAMPETER-STRASBURG SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED:

REVISED:

830-AR-0. SECURITY OF COMPUTERIZED PERSONAL INFORMATION/ BREACH NOTIFICATION

The district will take reasonable measures to maintain the security and confidentiality of personal information about staff, students, parents/guardians and district residents. The district will implement and maintain practices regarding physical, technical and administrative safeguards for both paper and electronic records.

The Superintendent or designee will direct and monitor a process to identify the following information, to be kept on file in the administration office or as part of the district's Records Management Plan:

1. What information is considered restricted or confidential.

2. Where the information currently resides.

3. The safeguards utilized to secure the information.

4. Who is responsible for providing each level of security for each piece of restricted or confidential information.

5. The district's cybersecurity insurance policy.

Employees will promptly report to the Superintendent or designee any security breach of the district's computerized data that compromises the security, confidentiality or integrity of personal information maintained by the district. The Superintendent will immediately inform the Board of such breach of information.

Identifying Security Breach

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized individual or an individual without valid authorization, the district will consider the following factors:

1. Whether the information is in the physical possession and control of an unauthorized individual, such as a lost or stolen computer or other device containing information.

2. Whether the information has been downloaded or copied.

3. Whether information was used by an unauthorized individual, such as fraudulent accounts or reported identity theft.

4. Other factors the district deems appropriate and relevant to such determination.

Determination of a Security Breach

A determination of a security breach means that there is a verification or reasonable certainty that a breach of the district's computerized data has occurred. Such a determination is made after a reasonable forensic investigation has been completed to determine the scope and nature of the incident and a legal determination is made that breach notifications are required.

The following individuals will be involved in making the determination that a security breach has occurred and that breach notifications are required:

Superintendent.

Director of Technology.

Solicitor.

Business Manager.

Insurance Agent.

Procedure for Notification

If there is a legal determination that notification is required, notices of a breach of information security will be provided to the individuals whose unencrypted and unredacted personal information has been accessed or acquired by an unauthorized person.

The following steps will be taken by the employee designated to provide notification:

1. If the breach involved computerized data owned or licensed by the district, the district will directly notify those residents of the Commonwealth whose personal information was or is reasonably believed to have been accessed and acquired by a person without valid authorization.

2. If the breach involved computerized data maintained by the district, the district directly will notify the owner or licensee of the information of the breach immediately following discovery, if the personal information was or is reasonably believed to have been accessed and acquired by a person without valid authorization.

3. If there is a legal determination that notification is required, the notification to affected individuals will be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement or any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the system. Notification will be provided within seven (7) business days of determination of the breach of the security of the system.

4. Notification will be provided to the district attorney in the county where the breach of the security of the system occurred within three (3) business days following determination of the breach of the security of the system.

5. The required notification will include:

   a. District contact information.

   b. Description of the categories of information that were or are reasonably believed to have been accessed and acquired without authorization.

   c. Which specific elements of personal information were or are reasonably believed to have been accessed and acquired.

6. The notification requirement may be delayed if a law enforcement agency determines, and advises the district in writing, specifically citing 73 P.S. Sec. 2304, that such notification will impede a criminal or civil investigation. The required notification will then be made after the law enforcement agency determines that such notification does not compromise the investigation or national or homeland security.

The district will provide notice to affected individuals by at least one (1) of the following methods:

1. Written notice to last known home address for the individual.

2. Telephone notice - if the individual can be reasonably expected to receive the notice and the notice is given in a clear and conspicuous manner; describes the incident in general terms; verifies the personal information but does not require the individual to provide personal information; and provides a telephone number to call or Internet website to visit for further information or assistance.

3. Email notice - if a prior business relationship exists and the school district has a valid email address for the individual.

4. Electronic notice - if the notice directs the individual whose personal information has been materially compromised by breach of the security of the system to promptly change the individual's password and security question or answer, as applicable, or to take other steps appropriate to protect the individual's online account, and other online

   accounts that may use the same user name, email address and password or security question or answer, to the extent the district has sufficient contact information for the individual.

5. Substitute notice - if the district demonstrates one (1) of the following:

   a. The cost of notice would exceed $100,000.

   b. The affected individuals exceed 175,000 people.

c. The district does not have sufficient contact information for the individual.

Substitute notice shall consist of an email notice, when the district has an email address for the individual; conspicuous posting of the notice on the district's website; and notification to major statewide media.

6. If the district provides notification to more than 1,000 persons at one (1) time, the district shall also notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis of the timing, distribution and number of notices, without unreasonable delay.

Book	School District for PNN+
Section	800 Operations
Title	Data Governance - Storage/Security
Code	830.1 Vol II 2023
Status	New Policy

Purpose

The district is required to collect, create, store and manage data and information. Accurately maintaining and protecting such data is essential for efficient district operations, legal compliance, confidentiality and upholding trust with the school community.

This policy addresses the Board's commitment to sound data governance related to the integrity and security of the data collected, maintained, stored and managed by the district.

Authority

The Board recognizes the importance of establishing and maintaining a system of data governance that addresses district staff responsibilities and complies with federal and state laws and regulations regarding data storage, security and records management. The district's data governance system shall meet or exceed industry and/or government standards for data protection and privacy of personal information.[1][2]

The Board directs that the creation, collection, retention, retrieval and disposition of district records shall be governed by Board policy and the district's Records Management Plan and Records Retention Schedule.[3]

The Board directs notifications of a breach of the security of the district's computerized data system involving an individual's personal information to be conducted in accordance with law and Board policy.[4][5]

Definitions

Confidential Data/Information - information regarding which law, Board policy or contract prohibit disclosure or that may be disclosed only in limited circumstances. Confidential data includes, but is not limited to, personally identifiable information and other personal information regarding students, employees and district residents.[6][7][8]

Critical Data/Information - information that is essential to district operations and that must be accurately and securely maintained to avoid disruption to district operations.

Data Governance - the district's comprehensive system to ensure the integrity of data created, collected, stored, secured and managed by the district.

Encryption - the use of an algorithmic process to transform data into a form in which there is a low probability of assigning meaning without use of a confidential process or key.[9]

Personal Information - includes an individual's first name or first initial and last name in combination with and linked to any one or more of the following when not encrypted or redacted:[5][9]

1. Social Security number.

2. Driver’s license number or state identification card number issued instead of a driver’s license.

3. Financial account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual’s financial account.

4. Medical information, meaning any individually identifiable information contained in the individual's current or historical record of medical history or medical treatment or diagnosis created by a health care professional.[9]

5. Health insurance information, meaning an individual's health insurance policy number or subscriber identification number in combination with access code or other medical information that permits misuse of an individual's health insurance benefits.[9]

6. A user name or email address, in combination with a password or security question and answer that would permit access to an online account.

Personal information does not include publicly available information that is lawfully made available to the general public from federal, state or local government records or widely distributed media.[9][10]

Records Management Plan - the system implemented by the district for the storage, retention, retrieval and disposition of all records generated by district operations.[3]

Records Retention Schedule - a comprehensive listing stating retention periods and proper disposition of records.[3]

Delegation of Responsibility

The Superintendent, in coordination with the Director of Technology and Business Manager, shall develop procedures necessary to implement this policy.

All individuals who are granted access to confidential and/or critical data/information are required to keep the information secure and are prohibited from disclosing or assisting in the unauthorized disclosure of such data/information.[5][11]

The Director of Technology shall conduct regular vulnerability and risk assessments to monitor the integrity of the district's system of data governance.

The Superintendent shall ensure that this policy is reviewed at least annually and updated as necessary.[1][2]

Guidelines

The district's system of data governance shall include, but not be limited to, the following:

1. Data security controls that meet or exceed industry and/or government standards for data protection and privacy, to ensure that only authorized individuals have access to computerized data.

2. A plan for backup and recovery of data to protect against information loss. Redundant backup systems of data storage shall be securely maintained in separate physical locations or in separate data storage systems.

3. Training requirements for individuals who have access to confidential and/or critical data and information.

4. Provisions to minimize the risk of unauthorized access, alteration or erasure of computerized data.[5]

5. An inventory of all software applications, digital tools and platforms, and related instruments comprising the data governance system.

6. Procedures for addressing a breach of data and cybersecurity incidents.[5]

7. Procedures and acceptable use provisions for access to data and protection of privacy and personal information for students, staff and district residents.[5][12]

8. A requirement that all service providers retained or contracted by the district for data governance and records management purposes meet or exceed industry and/or government standards for data protection and privacy of personal information.

Service Providers

Service providers retained or contracted by the district shall comply with law, Board policy, administrative regulations and district procedures regarding data security and integrity of data containing confidential and/or critical data/information of the district.[3][5]

The district shall ensure that the agreement or contract for service with a service provider who may have access to confidential and/or critical data/information reflects appropriate data security provisions.

Consequences

Failure to comply with law, Board policy, administrative regulations or procedures regarding data governance and security may result in the following disciplinary measures and possible pursuit of civil and criminal sanctions:[13][14][15]

1. Employees may be disciplined up to and including termination.

2. Volunteers may be excluded from providing services to the district.

3. The termination of a business relationship with a service provider.

NOTES:

If district has three (3) employee sections, remember to change the policy cites in the policy and references.

Legal References

1. 73 P.S. 2305.1

2. 73 P.S. 2305.2

3. Pol. 800

4. 73 P.S. 2301 et seq

5. Pol. 830

6. Pol. 113.4

7. Pol. 216

8. Pol. 324

9. 73 P.S. 2302

10. Pol. 801

11. Pol. 828

12. Pol. 815

13. Pol. 317

14. Pol. 818

15. Pol. 916

LAMPETER-STRASBURG SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED:

REVISED:

830.1-AR-0. DATA STORAGE AND SECURITY

The district will take action to safeguard the integrity of the data and information collected, created, stored and managed by the district through the maintenance, review and update of data storage and security procedures and disaster recovery plans.

The Superintendent, Business Manager and Director of Information Technology will ensure the proper segregation of duties in assigning responsibilities for monitoring of data storage and security procedures and management of district data and computer and network resources, consistent with applicable internal controls.

Confidential and/or Critical Information/Data

The district will collect, create or store confidential and/or critical data/information only in accordance with state or federal law or regulations, Board policy, approved funding requirements, or when the Superintendent or designee determines it is necessary. The district will provide access to confidential and/or critical data/information to appropriately trained district employees and volunteers only when the district determines that such access is necessary for the performance of their duties. The district will disclose confidential and/or critical data/information only to authorized service providers who need access to the information to provide services to the district and who agree not to disclose the data/information to any other party except as authorized by the district and in accordance with applicable law, regulations and Board policy.

All individuals accessing or using confidential and/or critical data/information will strictly observe all administrative regulations, procedures, policies, and other protections put into place by the district including, but not limited to, maintaining hardware containing information in locked rooms or drawers, limiting access to electronic files, restricting access/use in public spaces, updating and maintaining the confidentiality of password protections, encrypting and redacting information, and disposing of information or destroying hardware no longer needed in a confidential and secure manner.

Notifications of a breach of the security of the district's computerized data system involving an individual's personal information will be conducted in accordance with law, Board policy, administrative regulations and district procedures.

Data Storage and Security Procedures

The district's data storage and security procedures will address the following:

1. The identification of the applicable industry or government standards, policies and best practices governing the proper encryption or other appropriate security measures related to transmission of data, data storage and system security that are used by the district and approved service providers.

2. Data security controls designed to protect the confidentiality, integrity and availability of information. Such data security controls may include, but not be limited to, firewalls, virus/malware detection, intrusion detection systems, encryption, and controlled software updates.

3. The appropriate monitoring of systems and platforms to assist with the prompt identification and response to misuse or breach of the security of the systems and platforms.

4. Access to district networks, platforms or computers by authorized service providers.

5. Procedures to analyze the impact of proposed program, software or platform changes prior to implementation.

6. Procedures requiring written authorization from the designated supervisor when adding, deleting or altering a user ID or access privileges.

7. Specified user password, multi-factor authentication and/or encryption requirements that meet designated industry or government standards.

8. Procedures for secure remote access of the district's network and platforms by authorized individuals.

9. Procedures for monitoring and tracking of district computers or equipment that is reported lost or stolen. Such procedures will be developed in accordance with Board policy and applicable law and regulations.

The Director of Technology or designee will manage all required records relating to the district's Internet, computers and network resources in accordance with auditing requirements for state and federal funding, and in compliance with applicable law and regulations, Board policy, the district's Records Management Plan and the Records Retention Schedule.

Using Online Services and Applications

District staff members are encouraged to research online platforms or applications to engage students and further the district's educational mission. District employees, however, are prohibited from installing or using applications, platforms, programs or other software, or online systems/websites, that store, collect, or share confidential or critical data/information, until the Director of Technology or designee approves the service provider and/or the specific application, platform, program or other software or service used. Before approving the use or purchase of

any such application, platform, program, software or online service, the Director of Technology or designee shall verify that it meets the requirements of the law, regulations, Board policy, and district procedures and funding requirements, and that it appropriately protects confidential and critical data/information. This prior approval is required whether or not the application, platform, program, software or online service is obtained or used without charge.

Service Providers

Service providers must have the capability to comply with the district's policies and procedures, and designated industry or government standards, policies and best practices governing the proper encryption and security measures related to transmission of data, data storage and system security. An initial evaluation of the service provider's capabilities will be conducted by the Director of Technology or designee prior to approval of a contract or agreement with the service provider. Subsequent, periodic evaluations and monitoring will be conducted to assess service provider compliance and to identify potential risks.

Disaster Recovery Plan

The Director of Information Technology or designee will coordinate the development of a disaster recovery plan that will facilitate the actions to be taken in the event of a network security or data breach, network or server failure, or other major event which affects the district's data storage systems, computers and network resources.

The disaster recovery plan will address elements including, but not limited to, restoration of critical functions, communication to staff, integrity of confidential data, access to public records, replacement of equipment, breach notifications and resources necessary for recovery.

Book	Policy Manual
Section	900 Community
Title	Public Relations Objectives
Code	901
Status	Active
Adopted	October 7, 2019

Purpose

The purpose of the school-community relations program is to establish and maintain communication that informs the parents/guardians and public and involves them in the educational goals and programs of the district's schools.

Authority

To achieve this purpose, the Board shall provide parents/guardians and other district residents opportunities to receive information and orientation regarding the schools. The Board will utilize all appropriate means and media to achieve its public relations objectives.

Guidelines

The objectives of the district's public relations program shall be to:

1. Explain the programs, achievements and needs of the schools.
2. Determine what residents expect from their schools and what they want to know about the school’s programs and operations.
3. Keep students, parents/guardians and staff members fully informed about relevant Board policies and procedures and their own responsibilities and rights.
4. Communicate factual information to avoid rumors and communication crises.
5. Involve students, parents/guardians and the community in discussions regarding education programs, student activities and Board policy.
6. Operate in public session, as speedily and efficiently as circumstances permit and with appropriate public participation.[1][2][3]
7. Recognize students and their achievements.

Delegation of Responsibility

It shall be the responsibility of all district staff to:

1. Acquaint parents/guardians and residents with the educational achievements of the schools, students and staff.

2. Give courteous and thoughtful consideration to all inquiries and suggestions and carefully investigate all complaints.

3. Make parents/guardians, volunteers and visitors feel welcome in the school and in the classroom.

4. Cooperate with parent-teacher and other community groups.

5. Maintain student relations that encourage cooperation of the parents/guardians.

6. Observe interstaff relations conducive to high morale that merit the respect of students and citizens.

Legal
1. 65 Pa. C.S.A. 701 et seq
2. Pol. 006
3. Pol. 903

LAMPETER-STRASBURG SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED:

REVISED:

901-AR-0. PUBLIC RELATIONS

Board members, administrators and all district employees must recognize the importance of communicating and cooperating with the district's students, parents/guardians and community members in order to provide the programs needed to develop students' academic and social skills.

All district staff serve as the front line of any public relations efforts. Their attitudes and communications when dealing with students, parents/guardians and community members provide the foundation on which good public relations are built.

The district's program of public relations between the schools and the community will be used to:

1. Communicate the purposes and value of education in the local community and in the educational arena.

2. Familiarize residents with the district's educational and extracurricular programs.

3. Acquaint parents/guardians with programs and services provided by the schools.

4. Explain and interpret the financial status of the district and the annual budget process.

5. Inform community residents of special school events and activities.

6. Invite and encourage full parental participation in school activities open to the public, such as open houses, PTA/PTO, special school events and activities.

7. Recognize and publicize the achievements of district students and staff.

8. Invite and encourage public participation in regular Board meetings, special meetings and district presentations and discussions.

The Superintendent and designated employee will be responsible for ensuring that Board policy and administrative regulations governing public relations are implemented and maintained on a systematic, ongoing basis.

Book	Policy Manual
Section	900 Community
Title	Publications Program
Code	902
Status	Active
Adopted	October 7, 2019

Purpose

The Board believes that all reasonable means should be employed to keep the public informed on matters of importance regarding Board policies and district finances, programs, personnel and operations.

Authority

The Board shall determine which of its official actions have such community impact and interest to warrant special release, and it will release information to the media on matters of importance.

Delegation of Responsibility

Matters of a routine nature may be released by the Superintendent as they have been recorded in the minutes of Board meetings and upon request of media representatives.

All publications, releases, photographs and the like depicting the accomplishments of district students and staff may be approved at the discretion of the Superintendent.

Legal
24 P.S. 510
24 P.S. 511
Pol. 007
Pol. 105
Pol. 106
Pol. 127
Pol. 801
Pol. 803

LAMPETER-STRASBURG SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED:

REVISED:

902-AR-0. PUBLICATIONS PROGRAM

The Superintendent or designee will be responsible for directing an information program designed to acquaint district residents with the achievements, programs, activities and needs of the schools.

The district's publications program may include the following:

1. Student handbooks.
2. District newsletter.
3. School newsletters.
4. Annual calendar approved by the Board.
5. District activities calendar.
6. Selected Board policies and administrative regulations.
7. Financial information.
8. Listing of educational programs and services provided by the district.
9. Parent/Guardian information packets.
10. Information brochures for use by local realtors.
11. Assessment results.
12. School newspaper.
13. Yearbooks.
14. Educational reports.
15. Employee handbooks.
16. Newspaper articles and features.

17. District website.

18. School and teacher websites.

19. Radio and television programs and video broadcasts of district and school information.

20. Broadcasts of Board meetings.

The Superintendent or designee will monitor the content and presentation of district publications for expected standards in quality, taste, relevance and respect for individual privacy.

The Superintendent or designee will ensure that students who are featured in photographs published by the district will receive, complete and return a Publicity Release Form.

LAMPETER-STRASBURG SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED:

REVISED:

902-AR-1. PUBLICITY RELEASE FORM

Student Name: _____

School and Grade: _____

Telephone Number: _____

I grant permission for my child to be photographed and/or recorded during school-school related activities and events. These images and recordings may be used for district purposes, including, but not limited to:

- Yearbooks
- Displays
- District Publications
- News Media Coverage
- District-Managed Websites, Applications and Social Media Accounts

It is the practice of the district to involve students in activities that are positive and that promote individual self-esteem and cooperation among our students.

Questions or concerns may be directed to: _____
Administrator

_____
Telephone Number

Parent/Guardian
Signature _____ Date _____

Parent/Guardian Name
(Please print) _____

Book	Policy Manual
Section	900 Community
Title	Public Participation in Board Meetings
Code	903 Vol I 2024
Status	Active

Purpose

The Board recognizes the value of public **input** and the importance of **designating time for** public **comment during open** Board meetings. **The Board also recognizes the importance of diverse viewpoints and commentary.**

This policy addresses the right for the public to comment at open Board meetings and the responsibility of the Board to conduct its business in an orderly and efficient manner. **An authorized individual's public comment will be free from interruption, except when the individual's conduct is in violation of law or Board policy.**[1]

Authority

An opportunity for district residents and taxpayers to provide comment on matters of concern, official action or deliberation which are or may be before the Board, shall be provided as designated on the Board meeting agenda and in compliance with law, Board policy and district procedures.[1][2][3][4][5]

Copies of the agenda, which includes a listing of each matter of business that will be or may be the subject of deliberation or official action at the meeting, shall be made available to individuals in attendance at the meeting.[3]

The Board **requires** that public comment **on agenda items** be made at the beginning of each meeting.**[4]**

If the Board determines there is not sufficient time at a meeting for public comments, the comment period may be deferred to the next regular meeting or to a special meeting occurring before the next regular meeting.[4]

The Board shall provide a second public comment period, after the items for action or deliberation have been completed, to comment on items of concern or other matters involving the school district.

When items are added to the agenda after the public comment period has ended, the Board shall offer a further public comment opportunity limited to the added items.[4][6]

An individual's public comment may be interrupted or terminated only under limited circumstances, such as when the individual's commentary is in clear violation of law or Board policy, including but not limited to the following:

1. **Sexual harassment, racial, ethnic, religious or nationality intimidation towards an individual or individuals in the school community.[7][8][9]**

2. **Disclosure of confidential personal information regarding students or staff.**

3. **Speech that traditionally has not been protected under the First Amendment, such as obscenity, defamation and speech integral to criminal conduct.**

4. **Speech that is profane.**

5. **Speech that constitutes true threats such as inciting imminent lawless action or subjecting individuals to fear of violence.**

6. **Speech that does not concern matters that may come before the Board for deliberation or official action, for example, sales of commercial products or services.**

Guidelines

Sign-in and Request to Comment

All individuals wishing to **comment during** the Board meeting **shall sign in on the sheet provided at the meeting and provide the following information on the sign-in sheet:**

1. Name **of commenter.**

2. **Municipality** of the **commenter**.

3. Topic to be addressed.

4. Group **or organization** affiliation, if applicable

Statement of Presiding Officer

Prior to public comment during the meeting, the presiding officer shall make a statement providing direction and establishing expectations for the period of public comment.

Public Comment

Individuals shall wait to be recognized by the presiding officer **before commenting, must direct all comments to the Board,** and must preface their comments by an announcement of their name, and group affiliation, if applicable.

The public comment session at the beginning of the meeting shall be limited to not more than one (1) hour, unless extended by the presiding officer.

The second public comment period shall be limited to not more than thirty (30) minutes, unless extended by the presiding officer.

Each statement made by a participant shall be limited to **three (3)** minutes, **unless extended by the presiding officer.**

Commenters may not cede their time to other individuals.

No individual may speak more than once on the same topic, unless all others who wish to speak on that topic have been heard **and there is time remaining in the public comment period.**

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

The presiding officer and **the district solicitor have the authority to:**

1. Interrupt **an individual to warn the commenter that the statement is** too lengthy **or conduct is otherwise in violation of this policy.**

2. **After warning,** terminate **the individual's opportunity to comment when the conduct continues and is in violation of this policy.**

3. **Call a recess or adjourn to another time when an individual's conduct is otherwise in violation of this policy.**

4. Request an individual to leave the meeting when that person's **conduct is disrupting the operation of the meeting.[10][11]**

5. **If the individual refuses to leave the meeting, request the assistance of school security personnel or law enforcement to remove the disorderly person to enable the Board to proceed with the orderly operation of the meeting.[12][13]**

6. **Waive the Board's rules regarding public comment with the approval of a majority of those present and voting.**

Response to Public Comment

The purpose of public comment at Board meetings is to allow the Board to learn the thoughts of the public prior to Board deliberation and official action.

Although the public comment period of the meeting is not a question and answer session between the public and the Board, the Board may direct staff to follow up and address public inquiries in a reasonably prompt manner.

Whenever public comments are subject to the Board policy regarding public complaints, the individual shall be directed to follow the process outlined in the policy for resolution of the issue.[14]

Public Comment Recorded in Board Minutes

The following information regarding public comment is required to appear in the official minutes of each open Board meeting:[5][19]

1. **The names of all citizens who appeared before the Board.**

2. **The subject of their testimony.**

Recording Devices and Cameras

Electronic recording devices and cameras, in addition to those used as official recording devices, shall be permitted at open meetings. **The Board is authorized to establish reasonable rules for the use of recording devices and cameras during Board meetings.[1]**[21]

Legal
1. 65 Pa. C.S.A. 710
2. 24 P.S. 407
3. 65 Pa. C.S.A. 709
4. 65 Pa. C.S.A. 710.1
5. Pol. 006
6. 65 Pa. C.S.A. 712.1
7. Pol. 103
8. Pol. 103.1
9. Pol. 104
10. 18 Pa. C.S.A. 5101
11. 18 Pa. C.S.A. 5508
12. 18 Pa. C.S.A. 3503
13. Pol. 805.2
14. Pol. 906
15. Pol. 113.4
16. Pol. 216
17. Pol. 800
18. Pol. 801
19. 65 Pa. C.S.A. 706
20. Alekseev v. City Council of Philadelphia, 8 A.3d 311 (Pa. 2010)
21. 65 Pa. C.S.A. 711
U.S. Const. Amend. I
PA Const. Art. I
65 Pa. C.S.A. 701 et seq
18 Pa. C.S.A. 1 et seq
18 Pa. C.S.A. 5903
Counterman v. Colorado, 600 U.S. 66, 143 S. Ct. 2106, 216 L. Ed. 2d 775 (2023)
Hatchard v. Westinghouse Broadcasting, 516 Pa. 184, 532 A.2d 346 (1987)

LAMPETER-STRASBURG SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED:

REVISED:

903-AR-0. REQUEST TO **COMMENT** AT BOARD MEETING

_____ School District Board of Education

Date you wish to speak before the Board: _____

Topic of commentary: _____

_____

Name: _____ **Phone Number**: _____

_____

{ } Municipality: _____

{ } Address: _____

Name of organization you represent, if any: _____

_____

☐ } **By checking this box, I am acknowledging that I am authorized to or have been requested to speak on behalf of the above organization.**

I am commenting tonight as a:

☐ **Resident** ☐ **Taxpayer**

☐ **Other, please explain.** _____

☐ **By checking this box, I am acknowledging that I understand and agree to comply with the procedures for public comment as contained in Policy 903. Public Comment in Board Meetings.**

LAMPETER-STRASBURG SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED:

REVISED:

903-AR-1. **PRESIDING OFFICER STATEMENT**

Prior to the period provided for public comment during the meeting, the presiding officer shall make a statement providing direction and establishing expectations for public comment, which will include the following:

We have come to the portion of the meeting providing an opportunity for public comment. The Board will follow the procedures established in Policy 903. Public Comment in Board Meetings, which is accessible through the district's website and copies of which are available on the counter in the entryway.

This time is designated for district residents and taxpayers to comment on the items listed for action or deliberation on tonight's agenda.

All individuals wishing to comment this evening must have signed in on the sheet provided and completed the information specified on the sign-in sheet.

Each commenter will preface their comments by announcement of their name, municipality, and if applicable, group affiliation.

Comments by public participants are their own and should not be assumed to be the statements of the school district or any of its directors, agents, employees or representatives.

Book	Policy Manual
Section	900 Community
Title	Public Attendance at School Events
Code	904
Status	Active
Adopted	October 7, 2019

Purpose

The Board welcomes the public at activities and events sponsored by the school district, but the Board also acknowledges its duty to maintain order and preserve school facilities and health and safety during such events. This policy establishes conditions, restrictions and procedures to regulate public attendance and conduct at school and school-sponsored activities.

Definition

For purposes of this policy, tobacco product encompasses not only tobacco but also vaping products including electronic cigarettes (e-cigarettes). **Tobacco products**, for purposes of this policy and in accordance with law, shall be defined to include the following:[1][2]

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.

2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.

3. Any product containing, made or derived from either:

    a. Tobacco, whether in its natural or synthetic form; or

    b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.

4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term **tobacco product** does not include the following:[1][2]

1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose,

as long as the product is not inhaled.

2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. *Federal law requires the district to maintain a drug-free environment, at which marijuana of any kind is prohibited.*[3][4]

Authority

The Board has the authority to prohibit at a school event the attendance of any individual whose conduct may constitute a disruption. The Superintendent or designee and building principal may limit attendance to designated areas or may limit the number of attendees to school events when necessary to protect the health and safety of students, staff and the public, in accordance with Board-approved health and safety plans and guidance from state and local officials.

The Board prohibits gambling and the possession and use of controlled substances prohibited by state or federal law, alcoholic beverages and weapons on school premises.[5][6]

Attendees shall be informed of the district's health and safety rules through announcements and posting of appropriate signage. Health and safety rules must be followed prior to entry and while attendees are in school buildings and on school property, in accordance with Board policy, district procedures, the Board-approved health and safety plans and guidance from state and local officials.[7]

Tobacco and Vaping Products

The Board prohibits use of tobacco and vaping products, **including** e-cigarettes, by any persons at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; or on property owned, leased or controlled by the school district.[2][8]

This policy does not prohibit possession of tobacco **products** by members of the public of legal age at school or school-sponsored activities.

The Board deems it to be a violation of this policy for an individual in attendance at school or a school-sponsored activity to furnish a tobacco **product** to a minor.[1]

Delegation of Responsibility

A schedule of fees for attendance at school events shall be prepared by the Superintendent or designee and adopted by the Board.

The Superintendent shall ensure that this policy is posted on the district's publicly accessible website.[9]

Reports

Annual School Safety and Security Incidents *Report –*

The Superintendent shall annually, by July 31, report all incidents of prohibited possession, use or sale of tobacco **products** by any person on school property to the **PA Department of Education** on the required form.**[10][11]**[12]

Law Enforcement Incident Report –

In accordance with state law and regulations, the procedures set forth in the memorandum of understanding with **law** enforcement and Board policies, the Superintendent or designee may report to the **law enforcement agency** that has jurisdiction over the school's property, the use or sale of tobacco **products** by any person in a school building; on a school bus or other vehicles that are owned, leased or controlled by the school district; or on any property owned leased or controlled by the school district.[1][2]**[10][11]**[12][13][14]

Guidelines

Free Admittance

The Board directs the Superintendent to develop and implement programs in order to provide free admittance to selected school events for senior citizens who are district residents, as well as district personnel.

Service Animals

Individuals with disabilities may be accompanied by their service animals while on district property for events that are open to the general public in accordance with Board policy and state and federal laws and regulations.[15][16][17]

Legal
1. 18 Pa. C.S.A. 6305
2. 18 Pa. C.S.A. 6306.1
3. 20 U.S.C. 7118
4. Pol. 351
5. 24 P.S. 511
6. 24 P.S. 775
7. Pol. 705
8. 20 U.S.C. 7973
9. 24 P.S. 510.2
10. 24 P.S. 1306.2-B
11. 24 P.S. 1319-B
12. Pol. 805.1
13. 22 PA Code 10.2
14. 22 PA Code 10.22
15. 28 CFR 35.136
16. 43 P.S. 953
17. Pol. 718
35 P.S. 637.1 et seq
20 U.S.C. 7971 et seq
28 CFR Part 35

PUBLIC BEHAVIOR AT SCHOOL EVENTS

The district expects mutual respect, civility and orderly conduct by all individuals attending school events on district property.

Expected Behavior

Individuals attending school events on district property will not:

1. Injure, threaten, harass or intimidate a district employee, sports official or coach or any other person.

2. Act in an unsafe manner that could threaten the health or safety of others.

3. Use vulgar or obscene language or gestures.

4. Fight, strike or injure another person.

5. Damage, deface or threaten to damage district property.

6. Damage, deface or threaten to damage another individual's property.

7. Engage in any activity that violates any federal or state law or regulation or any local policy, regulation or ordinance.

8. Violate any Board policy, district administrative regulation or health and safety rules.

9. Use any tobacco product or vaping product, **including** electronic cigarettes, as defined in Board policy.

10. Consume, possess, distribute or be under the influence of alcoholic beverages or controlled substances prohibited by state or federal law.

11. Possess or use weapons or dangerous devices prohibited by the district.

12. Impede, delay, disrupt or interfere with any school activity or event, including using cellular telephones in a disruptive manner.

13. Enter upon any portion of district or school premises at any time for purposes other than those that are lawful and authorized by the Board.

14. Operate a motor vehicle in a risky manner, in excess of posted traffic signage, or in violation of an authorized district employee's directive.

15. Engage in any risky behavior, such as roller skating, roller blading or skateboarding.

16. Fail to obey the directive of an authorized district employee, security officer, school police officer, School Resource Officer (SRO) or local law enforcement official.

As circumstances warrant, the administrator in charge will take appropriate action, including warning the person in violation, requesting the person to immediately leave district property, contacting law enforcement officials and seeking to deny future admission to school events.

Refusal to leave school grounds when requested to do so by district employees or event officials constitutes the criminal offense of defiant trespass and may result in arrest and prosecution.

Continuation or escalation of prohibited behavior after a warning will result in ejection from the event premises.

Behavior that is unlawful or in violation of Board policy or administrative regulations may result in immediate ejection of the person in violation from the event premises.

Disruptive behavior by a group when individual persons cannot be identified may result in the ejection of offending areas of spectator seating.

A district employee may request identification from any individual on district grounds and in district buildings. Refusal to provide such information may result in a request to leave district property.

An employee involved in an incident with an attendee at a school event will complete an incident report and submit it to the building principal or immediate supervisor, who will report the incident to the Superintendent.

Crowd Control

A designated administrator will be assigned responsibility for monitoring and supervising the orderly conduct of students and spectators attending school events on district property. Crowd control procedures may include the following:

1. The administrator will ensure that enough authorized district personnel are assigned to provide adequate supervision.

2. The administrator may request law enforcement officials to be present if the administrator anticipates the crowd may pose a behavior or safety problem and may direct the placement of the officers.

3. The admissions gate and/or entrances will be regulated, and admission will be limited to eligible students, spectators and other authorized attendees. No one under the influence of alcohol or controlled substances prohibited by state or federal law will be admitted.

4. If a disturbance occurs, the administrator will determine if the event needs to be concluded, and the administrator may close the event and direct those in attendance to immediately leave school grounds.

LAMPETER-STRASBURG SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED:

REVISED:

904-AR-0. ADMISSION TO SCHOOL EVENTS

Members of the public are encouraged to attend school events on district property, including competitive or exhibition sport contests and games, productions such as plays and musicals, and choral and band performances.

Attendance at school events may require payment of a Board-approved admission fee.

Senior Citizen Passes

Applicants for a senior citizens pass must be at least 60 years of age or older and a resident of the district.

Applicants must apply at the district administration office and provide their name, address, telephone number and proof of age. Each approved individual will be given one (1) card/pass, which is not transferable.

Senior citizens passes may be used for free general admission to any district home athletic events excluding playoffs, and selected plays and musical productions.

For an event where the sale of tickets is limited by seat capacity, the senior citizen must present the pass for a free ticket prior to the performance date. Without a reserved seat, there will be no assurance of a seat.

Availability of the senior citizens pass program will be publicized in district newsletters and on the district website.

Book	Policy Manual
Section	900 Community
Title	Citizen Advisory Committees
Code	905
Status	Active
Adopted	October 7, 2019

Purpose

Citizen advisory committees can be useful in keeping the Board and administration informed with regard to community opinion and in representing the community in the study of specific school issues.

An advisory committee shall consist of at least one (1) Board member, interested community residents, and district administrators when appropriate.

Authority

Residents of the district who are especially qualified because of training, experience, or personal characteristics shall be encouraged to take an active part in school affairs. Such individuals shall be invited to act as advisors individually and in groups in areas such as the following:

1. The clarifying of the general ideas and attitudes held by district residents in regard to the schools.
2. The developing of Board policies under which the school district is to be managed.
3. The establishing of administrative arrangement and regulations designed to implement these policies.
4. The determining of the purposes of courses of student and special services to be provided for students.
5. The evaluating of the extent to which these purposes are being achieved by present practices.
6. The giving of active assistance to the professional staff in the actual operation of classes and services where the staff deems such aid valuable.
7. The solving of a specific problem or set of closely related problems about which a decision must be made.

When creating an advisory committee, the Board shall:

1. Define the committee's assignment.

2. Appoint a Chairperson and a recording secretary.

3. Approve appointment of residents, staff members and/or students recommended by the Superintendent.

4. Seek the widest range of community interest and backgrounds.

Recommendations of advisory committees shall not reduce the responsibility of the Board, which shall be free to accept or reject the recommendations.

Meetings of an advisory committee are not regular meetings of the Board and shall be open to the public only upon invitation of the committee.

Legal

24 P.S. 510

LAMPETER-STRASBURG SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED:

REVISED:

905-AR-0. CITIZEN ADVISORY COMMITTEES

The Board may establish citizen advisory committees to perform specific functions. Advisory committees may study particular problems or issues and make reports and recommendations to the Board.

The Board, in consultation with the Superintendent, will determine the purpose of a committee, number of members, composition of the committee, and selection of committee members.

Each appointed committee has the responsibility to submit to the Board a written progress report and a written final report upon completion of its assignment.

Each committee recording secretary will take minutes of each meeting. After approval of the minutes by members, the minutes will be submitted to the Superintendent.

To ensure that the Board's intent and expectations are clear, the following instructions will be prepared in writing and distributed to all committee members:

1. Purpose of the committee, specific issues for study and scope of the committee's activity.

2. Composition of the committee, including designation of voting and non-voting members if applicable.

3. Length of time each member is expected to serve.

4. Role of the committee as being advisory only.

5. Resources the Board will provide to assist the committee in completing its task.

6. Expectations regarding the committee's relationship with the Board, Superintendent and district personnel.

7. Designation of the individual who will be responsible for providing information to the public concerning the committee and its work.

8. Time and place of the first meeting.

9. Timeline for progress reports to the Board and/or other activities.

10. Date on which the Board expects to receive a final report or recommendation and dissolve the committee.

The Superintendent will serve as a consultant to an advisory committee by providing assistance necessary for completion of the committee's assignment, supplying materials, giving access to resource personnel, providing secretarial services and offering information and advice.

Book	Policy Manual
Section	900 Community
Title	Public Complaint Procedures
Code	906
Status	Active
Adopted	October 7, 2019

Purpose

The Board welcomes inquiries, suggestions, and constructive criticism from parents/guardians, district residents or community groups regarding the district's programs, personnel, operations and facilities. The Board adopts this policy to establish procedures for seeking appropriate resolution to complaints.

Authority

The Board encourages parents/guardians, district residents or community groups who have general complaints about Board policy and district procedures, district programs, personnel, operations and facilities to follow the general complaint procedure established in this policy.

The Board directs parents/guardians, other individuals and organizations alleging violations of law in the district's administration of federally-funded programs to submit complaints in accordance with the separate federal program complaint procedure established in this policy.[1]

The Board shall ensure that this policy is posted on the district's publicly accessible website in accordance with law.[2]

Delegation of Responsibility

The district shall annually notify parents/guardians, employees and the public of this policy and established complaint procedures via the district website, newsletters, posted notices and/or other efficient communication methods.

Guidelines

General Complaint Procedure

It is the intent of the Board that complaints, concerns and suggestions be addressed and/or resolved at the lowest appropriate level.

At all levels of this procedure, district employees shall make a determination as to whether the complaint should proceed as outlined in this policy or if the complaint should be submitted through a specialized complaint process addressed in a separate Board policy, district procedure or administrative regulation that is directly related to the nature of the complaint.

General complaints about Board policy and district procedures, programs, personnel, operations and facilities shall begin with an informal, direct discussion between the complainant and district employee who is most directly involved.

The employee shall attempt to provide a reasonable explanation or take appropriate action within the employee's authority. The employee shall report the matter and the resolution to the building principal or immediate supervisor.

When an informal discussion fails to resolve the complaint, the following procedure shall be used.

First Level - If a satisfactory resolution is not achieved by discussion with the employee, the complainant shall submit a written complaint to the building principal or designee and a conference shall be scheduled with the complainant. The written complaint shall include the contact information of the person or group filing the complaint, the specific nature of the complaint, a brief statement of relevant facts, how the complainant has been affected adversely, and the action requested. The building principal or designee shall provide a written response to the complainant.

Second Level - If a satisfactory resolution is not achieved through a conference with the building principal or designee, the complaint shall be referred to the Superintendent or designee. The Superintendent or designee shall review the complaint and may schedule a conference with the complainant. The Superintendent or designee shall provide a written response to the complainant.

Third Level - If a satisfactory resolution is not achieved through referral to the Superintendent or designee or if resolution of the complaint is beyond his/her authority and requires Board action, the Superintendent or designee shall refer the complaint to the Board.

The Board, after reviewing all information relative to the complaint, shall provide the complainant with its written response. The Board may, at its discretion, grant a hearing before the Board or a committee of the Board. If a hearing is granted, the complainant shall be advised of the Board's response, in writing, no more than thirty (30) days following the hearing.

Any requests, suggestions or complaints first directed to individual Board members and/or the Board shall be referred to the Superintendent for consideration, investigation and action. If further action is warranted, based on the initial investigation, such action shall be in accordance with the procedures outlined above.

Complaint Procedure for Federal Programs

Complaints alleging violations of law in the district’s administration of federally-funded programs shall be processed in accordance with the following procedure.[1]

The complainant shall submit a written, signed statement to the district's administration office that includes:

1. Contact information of the individual or organization filing the complaint.

2. Alleged federal program violation.

3. Facts supporting the alleged violation.

4. Supporting documentation, such as information on discussions, correspondence or meetings with district staff regarding the complaint.

District staff shall forward complaints to the district administrator responsible for federal programs, who will notify the Superintendent and acknowledge receipt of the complaint in writing.

The district administrator responsible for federal programs shall conduct an independent investigation, which may include, but not be limited to:

1. On-site visit to the building that is the subject of the complaint.

2. Opportunity to present evidence by all individuals and/or organizations involved.

3. Opportunity for participants to ask questions of each other and witnesses.

When the investigation is completed, the district administrator responsible for federal programs shall prepare a written report with a recommendation for resolving the complaint. The report shall include:

1. Name of the individual or organization filing the complaint.

2. Nature of the complaint.

3. Summary of the investigation.

4. Recommended resolution.

5. Reasons for the recommended resolution.

The district administrator responsible for federal programs shall submit the written report to the Superintendent, who will determine whether further investigation is required and/or the district's final response.

All individuals and/or organizations making the complaint or that are the subject of the complaint shall be notified of the resolution of the complaint by the Superintendent or designee.

The district administrator responsible for federal programs shall ensure that the resolution of the complaint is implemented.

The time period between receipt and resolution of a complaint shall not exceed sixty (60) calendar days, unless circumstances require additional time.

The complainant may appeal the final resolution to the Pennsylvania Department of Education.

Division Chief
Division of Federal Programs
PA Department of Education
333 Market Street

Harrisburg, PA 17126-0333

Legal
1. 20 U.S.C. 7844
2. 24 P.S. 510.2
24 P.S. 510
Pol. 103
Pol. 103.1
Pol. 104
Pol. 105.1
Pol. 108
Pol. 109
Pol. 116
Pol. 127
Pol. 137
Pol. 150
Pol. 202
Pol. 206
Pol. 247
Pol. 249
Pol. 251
Pol. 252
Pol. 255
Pol. 610
Pol. 621
Pol. 626
Pol. 718
Pol. 801
Pol. 808
Pol. 815
Pol. 824
Pol. 827
Pol. 828

LAMPETER-STRASBURG SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED:

REVISED:

906-AR-0. REPORT FORM FOR PUBLIC COMPLAINTS

Please return the completed form to the district administration office.

Complainant's Name: _____

Address: _____

Phone Number: _____

Complainant is: ☐ parent/guardian

☐ district resident

☐ community group (specify): _____

☐ organization (specify): _____

☐ other (specify): _____

Attach additional page(s) if necessary for any question that may require a lengthy response.

For General Complaints

What is your complaint? Please include the specific nature of the complaint, a brief statement of relevant facts, and how you have been affected adversely. Use full names, dates and exact occurrences, including witnesses, if appropriate:

_____

_____

_____

What action are you requesting that the district consider? _____

_____

_____

For Complaints Related to a Federal Program

Is your complaint related to an alleged violation in the district's administration of a federally-funded program? ☐ Yes ☐ No

If yes, identify any facts supporting the alleged violation and supporting documentation, such as information on discussions, correspondence or meetings with district staff regarding the complaint:

_____

_____

_____

What resolution are you requesting that the district consider? _____

_____

_____

I verify that the information I have provided in this complaint is true and correct to the best of my knowledge and belief. I understand that any false information provided herein is subject to the penalties contained in 18 Pa. C.S.A. Sec. 4904, relating to unsworn falsification to authorities.

_____ _____

Complainant's Signature Date

_____ _____

Received By Date

The Board reserves the right to defer and redirect complaints that have not been explored to the appropriate administrative level(s).

LAMPETER-STRASBURG SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED:

REVISED:

906-AR-1. PUBLIC COMPLAINTS - SPECIAL PROVISIONS

The policies listed below may contain specialized complaint and/or appeal procedures, dispute resolution processes, or methods for reporting policy violations that should be addressed in accordance with the established Board policy, district procedure or administrative regulation directly related to the nature of the complaint.

Upon receipt of a complaint, district staff should make a determination as to whether the complaint should be processed in accordance with Policy 906 Public Complaint Procedures or if the complaint should be processed in accordance with other established Board policy, district procedure or administrative regulation.

POLICY	TITLE
103	Nondiscrimination in School and Classroom Practices
103.1	Nondiscrimination – Qualified Students With Disabilities
104	Nondiscrimination in Employment Practices
105.1	Review of Instructional Materials by Parents/Guardians and Students
108	Adoption of Textbooks
109	Resource Materials
116	Tutoring
127	Assessment System
137	Home Education Programs
247	Hazing
249	Bullying/Cyberbullying
251	Homeless Students

252	Dating Violence **(Policy is Optional)**
255	Educational Stability for Children in Foster Care
610	Purchases Subject to Bid/Quotation
621	Local Taxpayer Bill of Rights
626	Federal Fiscal Compliance **(Procurement (bid protest) procedures)**
801	Public Records
808	Food Services
815	Acceptable Use of Internet, Computers and Network Resources
824	Maintaining Professional Adult/Student Boundaries
827	Conflict of Interest
828	Fraud

Pennsylvania School Boards Association
PRINCIPLES FOR GOVERNANCE AND LEADERSHIP

Pennsylvania school boards are committed to providing ***every*** student the opportunity to grow and achieve. Our actions, as elected and appointed board members, ultimately have both short- and long-term impact in the classroom. Therefore, we pledge that we will...

LEAD RESPONSIBLY

- Prepare for, attend and actively participate in board meetings
- Work together with civility and cooperation, respecting that individuals hold differing opinions and ideas
- Participate in professional development, training and board retreats
- Collaborate with the superintendent, acknowledging their role as the 10th member of the board and commissioned officer of the commonwealth

ACT ETHICALLY

- Never use the position for improper benefit to self or others
- Avoid actual or perceived conflicts of interest
- Recognize school directors do not possess any authority outside of the collective board
- Accept that when a board has made a decision, it is time to move forward collectively and constructively

PLAN THOUGHTFULLY

- Implement a collaborative strategic planning process
- Set annual goals that are aligned with comprehensive plans, recognizing the need to adapt as situations change
- Develop a comprehensive financial plan and master facilities plan that anticipates short- and long-term needs
- Allocate resources to effectively impact student success

EVALUATE CONTINUOUSLY

- Make data-informed decisions
- Evaluate the superintendent annually
- Conduct a board self-assessment on a recurring basis
- Focus on student growth and achievement
- Review effectiveness of all comprehensive and strategic plans

COMMUNICATE CLEARLY

- Promote open, honest and respectful dialogue among the board, staff and community
- Acknowledge and listen to varied input from all stakeholders
- Promote transparency while protecting necessary confidential matters
- Set expectations and guidelines for individual board member communication

ADVOCATE EARNESTLY

- Promote public education as a keystone of our commonwealth
- Engage the community by seeking input, building support networks and generating action
- Champion public education by engaging local, state and federal officials

GOVERN EFFECTIVELY

- Establish and adhere to rules and procedures for board operations
- Develop, adopt, revise and review policy routinely
- Align board decisions to policy, ensuring compliance with the PA School Code and other local, state and federal laws
- Remain focused on the role of governance, effectively delegating management tasks to the administration

Represented by the signatures below, adoption of these principles assures the school board and individual school directors adhere to the same principles across our commonwealth.

Adopted on: _____

_____ _____ _____

_____ _____ _____

_____ _____ _____

_____

Updated and Approved by the PSBA Governing Board October 30, 2022