

Book	Policy Manual
Section	100 Programs
Title	Nondiscrimination in School and Classroom Practices
Number	103
Status	Active
Legal	<u>1. 24 P.S. 1310</u> <u>3. 22 PA Code 4.4</u> <u>4. 22 PA Code 12.1</u> <u>5. 22 PA Code 12.4</u> <u>7. 24 P.S. 5004</u> <u>8. 20 U.S.C. 1681 et seq</u> <u>9. 20 U.S.C. 6321</u> <u>10. 29 U.S.C. 794</u> <u>11. 42 U.S.C. 2000d et seq</u> <u>12. 42 U.S.C. 12101 et seq</u> 13. Pol. 103.1 14. Pol. 906 <u>15. 24 P.S. 1601-C et seq</u> <u>16. 22 PA Code 15.1 et seq</u> <u>28 CFR Part 35</u> <u>28 CFR Part 41</u> <u>34 CFR Part 100</u> <u>34 CFR Part 104</u> <u>34 CFR Part 106</u> <u>34 CFR Part 110</u> <u>43 P.S. 951 et seq</u> Pol. 000 Pol. 122 Pol. 123 Pol. 701
Adopted	August 14, 2002
Last Revised	June 12, 2013

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 offered in the schools regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national

origin, marital status, pregnancy or handicap/disability. [\[1\]](#)[\[15\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[16\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)
[\[11\]](#)[\[12\]](#)[\[13\]](#)

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

The Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

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

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

Superintendent

Assistant Superintendent

Business Manager

Personnel Director

as the district's Compliance Officer.

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

The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.
3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.

4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related areas.
5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

Guidelines

Complaint Procedure – Student/Third Party

Step 1 – Reporting

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

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

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

The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

Step 2 – Investigation

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

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

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the building principal shall inform law enforcement authorities about the incident.

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

Step 3 – Investigative Report

The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.

Step 4 – District Action

If the 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, where not prohibited by law, inform the complainant.

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

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

Equivalence Between Schools

The Board directs that services in Title I schools and programs, when taken as a whole, shall be substantially comparable to services in schools and programs that do not receive Title I funds.[9]

Curriculum materials, instructional supplies and percentages of highly qualified personnel shall be equivalent between all district schools when compared on a grade-span by grade-span basis or a school-by-school basis. Records documenting such compliance shall be updated biannually.

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

1. Changes in enrollment after the start of the school year.
2. Varying costs associated with providing services to students with disabilities.
3. Unexpected changes in personnel assignments occurring after the beginning of the school year.
4. Expenditures on language instruction education programs.
5. Other expenditures from supplemental state or local funds consistent with the intent of Title I.

Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with Board policy.[14]

Last Modified by Mary Hamilton on July 8, 2015

Book	Policy Manual
Section	200 Pupils
Title	Student Harassment
Number	248
Status	Active
Legal	<u>1. 24 P.S. 1327.1</u>
Adopted	December 3, 2008

Authority

It is the policy of the Portage Area School District to maintain a safe learning and working environment which is free from sexual and other forms of unlawful harassment. All forms of unlawful harassment are hereby prohibited. Any student in the District who engages in conduct, which constitutes unlawful harassment, shall be subjected to disciplinary action up to and including expulsion. Any student in the District who is subjected to unlawful harassment by other students, district employees, non-district employees (vendors, contractors, volunteers, etc.) in the course of his or her attendance at school, shall have the right to file a complaint under Section IV, as described below, as well as the right to have that complaint promptly, thoroughly, and confidentially investigated.

Definition

Unlawful harassment is a form of discrimination prohibited by Title IX of the Education Amendments of 1972; the Pennsylvania Human Relations Act, 43 P.S. Sections 951-963; the Code of Conduct for Educators, 22PA Code Section 12.4. The following behaviors represent, but are not all inclusive of what constitutes unlawful harassment for the purpose of this policy:[1]

1. The term unlawful harassment includes, but is not limited to: slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual's race, color, religion, ancestry, sex national origin, or disability.
2. Special attention is called to the prohibition of sexual harassment. Examples of sexual harassment include, but are not limited to:
 - a. Submission to such conduct is explicitly or implicitly required of the recipient; or
 - b. Submission to or rejection of such conduct is used as the basis of school or work related decisions affecting the recipient; or
 - c. Such conduct has the purpose or effect or unreasonably interfering with the recipient's school performance or of creating an intimidating, hostile, or offensive learning and working environment
3. Specific examples of sexual harassment include, but not limited to:
 - a. Sexual flirtations, advances, touching, or propositions;
 - b. Verbal abuse of a sexual nature;

- c. Graphic or suggestive comments about an individual's dress or body:
- d. Sexually degrading words to describe an individual; and/or
- e. Jokes, pinups, calendars, objects, graffiti, vulgar statements, abusive language, innuendoes, references to sexual activities, overt sexual conduct, or any conduct that has the effect of unreasonably interfering with a student's ability to work or learn or which creates an intimidating, hostile, or offensive learning or working environment.

Ethnic Intimidation

1. No student(s) shall with malicious intent toward the race, color, religious or national origin of another individual or group of individuals, commit offenses involving danger, coercion, threats, harassment, intimidation, fear, or harm to such person(s).
2. No students shall, with malicious intent toward the race, color, religious or national origin of another individual or group of individuals, commit offenses.
3. Referral to Civil Authorities for charges under the Ethnic Intimidation Act of 1982 shall be made when deemed necessary by school authorities.

Consequences of Violation

Any student in the Portage Area School District who is found to have engaged in conduct constituting sexual or other forms of unlawful harassment may be subject to disciplinary action up to and including expulsion. In addition, any student found to have violated this policy may be required to participate in educational activities and/or counseling services related to sexual or other forms of unlawful harassment as part of any discipline imposed. Determination of the appropriate disciplinary sanctions or educational requirements shall be based upon the circumstances of the individual case, considering the following factors among others:

1. Severity of the misconduct
2. Pervasiveness or persistence of the misconduct
3. Effect on the victim or victims
4. Intent of the perpetrator.

Complaint Procedure

1. The building principal shall be the person to receive sexual and other forms of unlawful harassment complaints from staff and students in that building and shall be referred to as the "designated individual." Students shall also be informed that they may lodge sexual and other forms of unlawful harassment complaints with other appropriate individuals in the building or district, including teachers, counselors, nurses, or administrators. Each school year, students shall be notified of the identity of the "designated" individual as well as the other individuals with whom they can lodge a complaint, and shall be informed that these individuals are available to receive sexual and other forms of unlawful harassment complaints, answer questions concerning sexual and other forms of unlawful harassment, and assist the principal in resolving problems within the building.

2. Complaints involving student-to-student unlawful harassment which are lodged at the classroom or building level may be resolved informally. If an informal resolution is satisfactory to the complainant and/or complainants' parents, no further investigation or action by the District is required. If the problem cannot be informally resolved, it will be referred to the building principal for investigation as described under Section 5.
3. Sexual and other forms of unlawful harassment complaints filed by students against District employees shall be investigated promptly, thoroughly and confidentially.
4. Complaints, which are referred to the building principal, shall be investigated immediately under the general supervision of the Portage Area School District Solicitor.

The investigation shall include, but not be limited to the following:

- a. Interview of complainant
 - b. Interview of accused
 - c. Interview of any persons with personal knowledge of the allegations of the complainant.
5. Sexual and other forms of unlawful harassment complaints filed by students against non-district employees (vendors, contractors, volunteers, etc.), shall be referred to the building principal for legal disposition. Any students or employees involved in such an investigation shall be required to maintain strict confidentiality. The privacy of the persons involved in the complaint will be kept as confidential as possible, consistent with the District's legal obligations and the necessity to investigate allegations and to take disciplinary actions where the unlawful harassment has occurred. All sexual and other forms of unlawful harassment complaints shall be promptly, thoroughly, and confidentially investigated.

Disposition of Complaint

1. In all cases investigated by the building principal, a report of the investigation shall be made in writing to the Superintendent.
2. If the building principal finds evidence that unlawful harassment may have occurred, the Superintendent, Building Principal and School District Solicitor shall determine what, if any, unlawful harassment has occurred, the suitable remediation and/or discipline. Any disciplinary action shall be subject to limitations of the Student Code of Conduct, School Code, State Board regulations and other applicable law, and any applicable collective bargaining agreement. All records of such findings will be subject to the provisions of District policies pertaining to maintenance and dissemination of student information.
3. If the building principal does not find evidence that unlawful harassment has occurred, the Superintendent shall be notified. Under no circumstances shall any record of a complaint which is found to be without basis be placed in an accused student's record or released to any person other than the Superintendent, without consent of the accused, or unless required by law.
4. If the investigation is inconclusive, the building principal shall so state in its report. The Superintendent, and/or building principal may, at their discretion, require non-disciplinary educational activities as a result of an inconclusive investigation. Under no circumstances shall the accused or the complainant be disciplined based upon an

inconclusive investigation.

5. If it is concluded that the accused is not guilty of unlawful harassment, and that the complaint was lodged in bad faith, the Superintendent, may impose suitable discipline on the complainant, subject to the limitations of the Student Code of Conduct and other applicable laws. In addition, if the building principal finds evidence that the accused retaliated against the complainant in any way because of the complaint, then the Superintendent, and/or building principal may impose disciplinary action on the accused with the same limitations described above.

The term unlawful harassment includes, but is not limited to: slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual's race, color, religion, ancestry, sex national origin, or disability.

248-Attach.doc (23 KB)

Last Modified by Mary Hamilton on July 9, 2015

Book	Policy Manual
Section	200 Pupils
Title	Bullying/Cyberbullying
Number	249
Status	Active
Legal	1. 24 P.S. 1301.1-A <u>2. 24 P.S. 1303.1</u> <u>3. 24 P.S. 1303.1-A</u> <u>4. 22 PA Code 12.3</u> 5. Pol. 218 <u>6. 24 P.S. 1302-A</u> 7. Pol. 236 8. Pol. 233
Adopted	December 3, 2008
Last Revised	June 13, 2012

Purpose

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

Definitions

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

1. Substantial interference with a student's education.
2. Of a threatening environment.
3. Substantial disruption of the orderly operation of the school.

Bullying, as defined in this policy, includes cyberbullying.

A School setting means in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.[2]

Authority

The Board prohibits all forms of bullying by district students.[3]

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

The Board directs that complaints of bullying shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith reports of bullying

Delegation of Responsibility

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

The Superintendent or designee shall develop administrative regulations to implement this policy.[3]

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

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

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

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

Guidelines

The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to student.[3][4][5]

This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district web site, if available.

Education

The district **shall** develop and implement bullying prevention and intervention programs. Such programs shall provide district staff and students with appropriate training for effectively responding to, intervening in reporting incidents of bullying.[6][3][7]

Consequences for Violations

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:[3][5][8]

Counseling within the school.

Parental conference.

Loss of school privileges.

Compensatory Damages.

Transfer to another educational facility, classroom or mode of transportation.

Exclusion from school sponsored activities.

Demerits/Detention.

Demerits/Suspension.

Expulsion.

Counseling/Therapy outside of school.

Referral to law enforcement officials.

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