

BACKUP DOCUMENTATION FOLLOWS FOR THE CURRENT MEETING OF THE NORTH EAST BOARD OF SCHOOL DIRECTORS.

INFORMATION WILL BE PROVIDED FOR ALL AGENDA ITEMS NOT PROTECTED UNDER ACT 84 CONFIDENTIALITY LAWS WHICH WOULD INCLUDE STUDENT ISSUES, PERSONNEL, LEGAL, SAFETY AND OTHER PROTECTED MATTERS RELEVANT TO DISTRICT OPERATIONS.

BACKUP WILL BE POSTED IN THE ORDER THAT IT APPEARS ON THE MEETING AGENDA.

NORTH EAST SCHOOL DISTRICT
MINUTES OF THE REGULAR MEETING OF THE BOARD OF SCHOOL DIRECTORS
THURSDAY, AUGUST 22, 2024

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The North East School District Board of School Directors met in a Regular Meeting that began at 6:30 PM on Thursday, August 22, 2024, with the following board members present: Dr. Blystone, Mr. Craig, Mr. Luke, Mr. Mobilia, Mrs. Phillips, Mrs. Rohde and Mr. Wargo. Mr. Boyd and Mr. Ferruggia were excused. Also in attendance were administrators Mr. Fox, Mr. Garland, Mrs. Hathaway, and District solicitor Attorney Timothy Sennett. Administrator Mrs. Hodges was in attendance remotely. There were four visitors present in person and two members of the public logged in for remote participation.

The pledge of allegiance was recited.

PUBLIC PARTICIPATION – AGENDA ITEMS ONLY

- Mrs. Jen Kilgas requested more information regarding the Memorandum of Understanding between the school district and Mercyhurst University, and the Cooperative Agreement between the school district and Warren County School District, listed as items G2 and G3 on this evening's agenda. Dr. Hartzell responded with explanations for both documents.

REPORTS & PRESENTATIONS

- Mr. Corey Garland, Principal of North East Middle School, presented a proposal for gradual adjustments to the grading scale at the Middle School for 2024-25. The intention of the new phased plan is to hold students accountable and to better prepare them to succeed when they enter the high school.

Board discussion followed this presentation with regard to student truancy issues and interventions in place for struggling students. The proposed changes will be formally voted on at a future meeting.

SUPERINTENDENT'S REPORT

- Dr. Hartzell shared that the 20th annual Adopt-a-Student program was held on Monday, August 14th and hosted at the North East Episcopal Church this year due to construction at the elementary school. She thanked all of the organizations, community members, Board members and district staff who assisted to make this event a huge success.
- Student Chromebook distribution took place on Wednesday, August 14th for high school students only. Students who were unable to pick up their device on this date will be able to do so next week when school opens. All technology paperwork must be completed by a parent or guardian prior to distribution of a Chromebook to students. Forms are available on the district website.
- The Middle School held Parent Picker Orientation on August 14th. Administration reviewed expectations for incoming 6th graders and other students new to the middle school. High School administration and staff also hosted 9th grade and other students new to the high school on this same date. Students had the opportunity to meet their teachers, receive their schedules and find their lockers prior to opening day.
- Back to school packets were sent to all families with important information for the beginning of the 2024-25 school year. The first day for students is Tuesday, August 27th, 2024. Meet the Teacher was held on August 21st for the middle and high schools.
- North East Elementary School will host Meet the Teacher on Monday, August 26th from 4:30 to 6:00 p.m. A ribbon cutting ceremony will be held at 4:00 p.m. on this date at the Elementary School entrance. Parents can find all back to school information on the district website as well as on the official Facebook page.
- The district has added additional safety measures to our campus, which include our new Raptor visitor information management system. This system will require all visitors conducting business in the schools during the instructional day, to provide identification in order to enter the buildings. Families simply dropping off items in the offices for their student will not be required to sign in.

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- Dr. Hartzell reminded everyone that the speed limit on campus is 15 mph at all times. Two additional speed bumps have been installed to assist with traffic control for the safety of pedestrians on campus.
- The stadium project is on target to be completed by September 12th with the track line painting scheduled for the week of September 19th, weather permitting. The community is very welcome to attend the ribbon cutting ceremony for the stadium project, to be held prior to the Homecoming game on Friday, October 4, 2024.

Mr. Craig posed a question at this time regarding the security of personal information collected by the Raptor system. Mr. Wilson provided assurance that the system is compliant with all requirements for online data sharing and the company would be responsible to handle any issues. Dr. Hartzell stated that the system simply scans ID's in order to print visitor badges and does not store information. Mr. Sennett also pointed out that the district does carry cyber insurance in the case of an issue.

Brief additional discussion took place regarding recent vandalism at the stadium. This topic will be further addressed in executive session.

BOARD REPORTS

- North East Recreation Commission – No Report
- Northwest Tri-County Intermediate Unit – No Report
- Erie County Technical School – No official report. Mr. Wargo shared that he had attended Open House at the technical school last evening and heard nothing but positive remarks from parents and students regarding the many improvements to the facility.
- School Health Council – No report

APPROVAL – Minutes - Regular Meeting of August 1, 2024 In a motion by Mr. Wargo and second by Mr. Craig to approve the minutes of the Regular Meeting of August 1, 2024, the Board, in a voice vote, voted as follows: “Ayes” – Dr. Blystone, Mr. Craig, Mr. Luke, Mr. Mobilia, Mrs. Phillips, Mrs. Rohde and Mr. Wargo. “Nays” – 0. Mr. Boyd and Mr. Ferruggia were excused. Motion carried.

Mr. Luke requested and received clarification from Mr. Fox regarding the temporary student transportation agreement listed as Business Item #7 on tonight's agenda.

APPROVAL – Business Items #1-7 In a motion by Mrs. Rohde and second by Mr. Craig to approve Business Items #1-7, the Board, in a roll call vote, voted as follows: “Ayes” – Dr. Blystone, Mr. Craig, Mr. Luke, Mr. Mobilia, Mrs. Phillips, Mrs. Rohde and Mr. Wargo. “Nays” – 0. Mr. Boyd and Mr. Ferruggia were excused. Motion carried.

1. The Board approved the General Fund Invoices:
 - a. Invoices Paid Prior to Board Meeting (Copy filed herein page/ref# 6457-A)
 - b. Invoices for Approval (Copy filed herein page/ref# 6457-B)
2. The Board approved the Food Service Operating Bill Listings for approval. (Copy filed herein page/ref# 6457-C)

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3. The Board approved the Capital Projects Invoices for approval in the amount of \$283,792.85. (Copy filed herein page/ref# 6458-A)
4. The Board approved the Capital Projects Report dated July 31, 2024. (Copy filed herein page/ref# 6458-B)
5. The Board approved the Treasurer's Report dated July 31, 2024. (Copy filed herein page/ref# 6458-C)
6. The Board approved the Food Service Report for the period ending July 31, 2024. (Copy filed herein page/ref# 6458-D)
7. The Board approved the parent/guardian transportation contract with the parent/guardian of Student A to provide temporary student transportation at the federal standard mileage rate of \$.67 per mile and a total payment not to exceed \$2,158.74 effective August 27, 2024 through the earlier of District provided transportation, change in student enrollment, or Thursday, January 16, 2025. (Copy filed herein page/ref# 6458-E)

Regarding Personnel Item #1, Mr. Craig asked if this individual holds any additional responsibilities. He is a middle school coach, but that job is separate and unrelated to the ISS Facilitator position.

**APPROVAL –
Personnel
Items #1-13**

In a motion by Mr. Wargo and second by Mrs. Rohde to approve Personnel Items #1-13, the Board, in a roll call vote, voted as follows: "Ayes" – Dr. Blystone, Mr. Craig, Mr. Luke, Mr. Mobilia, Mrs. Phillips, Mrs. Rohde and Mr. Wargo. "Nays" – 0. Mr. Boyd and Mr. Ferruggia were excused. Motion carried.

1. The Board employed Mr. Michael Austin as the North East School District's Student ISS Facilitator at a salary of \$24.00 per hour for 190 days per year with respective individual benefits as per the approved Full-time Non-Union Benefits Schedule, pending any remaining pre-employment requirements and effective August 20, 2024.
2. The Board employed Ms. Kimberly Timer as a Long-term floating Substitute Teacher for North East School District, at a salary of \$200.00 per day with respective individual benefits excluding tuition reimbursement, effective August 20, 2024 through June 5, 2025.
3. The Board employed Ms. Beverly Conn as a Cook's Helper (3 hours per day at \$14.84 per hour) – North East Elementary School without benefits for a 60-working-day probationary period as per contract pending any remaining pre-employment requirements and effective August 14, 2024. Following the probationary period, the rate will remain the same.
4. The Board employed Ms. Cynthia Hetrick as a Cook's Helper (3 hours per day at \$14.84 per hour) – North East Elementary School without benefits for a 60-working-day probationary period as per contract pending any remaining pre-employment requirements and effective August 14, 2024. Following the probationary period, the rate will remain the same.

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5. The Board employed Ms. Amanda Monroe as an Instructional Aide (6.5 hours per day at \$14.11 per hour) in the Life Skills Support classroom at North East Middle School without benefits for a 60-working-day probationary period as per contract pending any remaining pre-employment requirements and effective August 20, 2024. Following the probationary period, the rate will remain the same.
6. The Board accepted the resignation of Ms. Ashley Walker as an Instructional Aide in the Autistic Support K-2 classroom at North East Elementary School, effective August 4, 2024.
7. The Board employed Ms. Sarah Monroe as an Instructional Aide (6.5 hours per day at \$14.11 per hour) in the Autistic Support classroom at North East Elementary School without benefits for a 60-working-day probationary period as per contract pending any remaining pre-employment requirements and effective August 20, 2024. Following the probationary period, the rate will remain the same.
8. The Board employed Ms. Rinnah Honey as Full time Custodian (8 hours per day at base \$15.86 per hour) at North East Elementary School with benefits for a 120-working-day probationary period as per contract pending any remaining pre-employment requirements and effective August 26, 2024. Following the probationary period, the rate will remain the same.
9. The Board employed Ms. Makayla Hanson as a Non-CDL Van Driver (4.75 hours per day at \$17.25 per hour) without benefits as per contract for a 60-working-day probationary period pending any remaining pre-employment requirements and effective August 20, 2024. Following the probationary period, the rate will remain the same.
10. The Board accepted the resignation of Ms. Amanda Perez as an Instructional Aide in the Autistic Support 3-5 classroom of North East Elementary School, effective August 20, 2024.
11. The Board approved the District Substitute List for the 2024-2025 school year with the inclusion of new staff listed in the chart below pending any pre-employment requirements. (Copy filed herein page/ref# XXXX-X)

INSTRUCTIONAL STAFF	
1	Kelly Mankowski – Emergency Certified for All Instructional Areas
2	Kira Newara – Elementary K-6
3	Jennifer Perez – Emergency Certified for All Instructional Areas
SUPPORT STAFF	
4	Kevin Snarski – Non-CDL Van Drivers

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12. The Board approved the 2024-2025 North East School District Transportation Department work schedule which is a result of the annual bidding process:

	BUS ROUTE	EMPLOYEE	APPROX. HOURS
CDL DRIVERS – Pay Rate is \$22.47 per hour			
1	1	<i>Vacant</i>	5.00
2	2	Robert Garner	5.25
3	3	Korene Hanson	5.75
4	4 – Tech	Thomas Frank	6.75
5	5	Gale Newton	5.00
6	6	Cheryl Orton	5.25
7	7	Amanda Caron	5.25
8	8 – Alt Ed/Acute	Corey Caron	4.75
9	9	Concetta Piazza	4.25
10	10	Sarah Trevelline	5.00
11	22	Julie Reynolds	4.75
Non-CDL DRIVERS – Pay Rate is \$17.25 per hour			
12	V5 Non-CDL	Makayla Hanson	4.75
TRANSPORTATION AIDES – Pay Rate is \$15.56 per hour			
13	22	Melissa Richardson	4.50
14	V5	Gail Wadding	4.50

13. The Board approved the following individual(s) for the position of coach(es)/advisor(s) and intramural(s) for the 2024-2025 school year at the steps listed below, pending any remaining pre-employment requirements:

COACHING POSITIONS		Recommendation	Step	Stipend
1	Boys Basketball Head Coach	Steve Righi	D	\$7,314.00
2	Girls Basketball Assistant Coach – Grade 7	Hannah Walker	A	\$3,511.00
3	Football Assistant Coach	Ben Oregia*	-	Volunteer
4	Football Assistant Coach	Ethan Schmidt*	A	\$3,511.00
5	Boys Golf Assistant Coach	Mark Hughes	-	Volunteer
6	Boys Soccer Assistant Coach	Ethan Hammer*	-	Volunteer
7	Boys Soccer Assistant Coach	Nathan Radicella*	-	Volunteer
ADVISORY POSITIONS – HIGH SCHOOL		Recommendation	Step	Stipend
8	Dance Team Assistant	Leslie Shickler	D	\$3,072.00
9	Dance Team Assistant	Cherylne Dohmen*	-	Volunteer
10	Junior Class Co-Advisor	Leslie Shickler	½ D	\$1,389.50
11	Sophomore Class Advisor	Kenzi Kuhn	C	\$987.00
ADVISORY POSITIONS – MIDDLE SCHOOL		Recommendation	Step	Stipend
	None recommended for this meeting			
INTRAMURAL COACHES & ADVISORS		Recommendation	Step	Stipend
12	PA Special Olympics – Bocce Coach	Kelley Baumann	-	\$250.00
13	PA Special Olympics – Bocce Coach	Nicole Fitch	-	\$250.00
14	PA Special Olympics – Bocce Coach	Amy North	-	\$250.00
15	PA Special Olympics – Bocce Coach	Leslie Shickler	-	\$250.00
16	Girls Basketball Coach Gr. 5&6 – Max 50 hrs.	Matt Rink*	B	\$16.29/Hr.
17	Girls Basketball Coach Gr. 5&6	Scott McFeely*	-	Volunteer
18	Cross Country Coach Gr. 1-6	Colby Howe	B	\$16.29/Hr.
19	Cross Country Coach Gr. 1-6	Nathan Walters*	-	Volunteer

*Non-employee pending remaining paperwork

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Dr. Blystone reminded everyone of the home band competition hosted at the district stadium on September 28th which is in addition to the band's fall travel schedule for competitions.

**APPROVAL –
Marching Band
Schedule for
2024-25** In a motion by Dr. Blystone and second by Mrs. Phillips to approve North East School District Marching Band's participation in the attached competition schedule for the fall 2024 season, the Board, in a roll call vote, voted as follows: "Ayes" – Dr. Blystone, Mr. Craig, Mr. Luke, Mr. Mobilia, Mrs. Phillips, Mrs. Rohde and Mr. Wargo. "Nays" – 0. Mr. Boyd and Ferruggia were excused. Motion carried. (Copy filed herein page/ref# 6461-A)

Mr. Craig asked if the Board needs to vote on Item #1 every year. Dr. Hartzell explained that the school district is legally required to appoint an individual to this position annually.

**APPROVAL –
Additional
Educational/
Operational
Functions
Items #1-3** In a motion by Mrs. Rohde and second by Mr. Luke to approve Additional Educational/Operational Functions Items #1-3, the Board, in a roll call vote, voted as follows: "Ayes" – Dr. Blystone, Mr. Craig, Mr. Luke, Mr. Mobilia, Mrs. Phillips, Mrs. Rohde and Mr. Wargo. "Nays" – 0. Mr. Boyd and Mr. Ferruggia were excused. Motion carried.

1. The Board approved the appointment of Mr. Brian Emick as the School Safety and Security Coordinator per Act 44 of 2018 for the 2024-2025 school year.
2. The Board approved the attached Memorandum of Understanding between the North East School District and Mercyhurst University for graduate assistant services for the 2024-2025 school year. (Copy filed herein page/ref# 6461-B)
3. The Board approved the Cooperative Agreement for Open Campus Initiative between the North East School District and the Warren County School District for cyber services for the 2024-2025 school year. (Copy filed herein page/ref# 6461-C)

**POLICY 218 –
Revised – Second
Reading Only** A second reading was observed for recommended revisions to Board Policy 218 – Student Discipline.

Regarding Revisions to Board Policy 218 – Student Discipline, Mrs. Rohde inquired about plans to review the parallel policy for special needs students. Dr. Hartzell responded that the additional policy will be revised as well.

**APPROVAL –
Waiver of
Additional
Readings – Policy
006 – Meetings -
Revised** In a motion by Mrs. Rohde and second by Dr. Blystone to waive the second and third readings for proposed revisions to Board Policy 006 - Meetings, the Board, in a roll call vote, voted as follows: "Ayes" – Dr. Blystone, Mr. Craig, Mr. Luke, Mr. Mobilia, Mrs. Phillips, Mrs. Rohde and Mr. Wargo. "Nays" – 0. Mr. Boyd and Mr. Ferruggia were excused. Motion carried.

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Dr. Blystone announced for the public's awareness that the revisions to Board Policy 006 are simply to align board policy with actual practice.

APPROVAL – Board Policy 006 – Meetings - Revised – In a motion by Mrs. Rohde and second by Mr. Wargo to approve Board Policy 006 – Meetings - Revised, the Board, in a roll call vote, voted as follows: “Ayes” – Dr. Blystone, Mr. Craig, Mr. Luke, Mr. Mobilia, Mrs. Phillips, Mrs. Rohde and Mr. Wargo. “Nays” – 0. Mr. Boyd and Mr. Ferruggia were excused. Motion carried. (Copy filed herein page/ref# 6462-A)

ITEMS FOR FUTURE PRESENTATION, DISCUSSION, AND/OR BOARD ACTION

- September 2024 - Summer 2024 Learning Lab Presentation
- Authorized Procurement Card users for 2024-25
- October 2024 - Annual Transportation Report

UPCOMING DISTRICT EVENTS

- First Day of School for Students – Tuesday, August 27
- School Picture Dates:
 - North East Middle and North East High School – Tuesday, September 17
 - North East Elementary School – Thursday, September 19
 - All District Makeups and Retakes – Wednesday, October 30
- GrapeFest Band Competition at North East – Saturday, September 28
- Homecoming Football Game & Stadium Dedication – Friday, October 4
- The first home football game will take place tomorrow evening at Iroquois School District's stadium

PUBLIC PARTICIPATION

- Relative to the presentation discussion regarding the Middle School grading scale, Mr. Paul Crow asked about the district's procedures in place for students who are failing, whether they are held back or advanced to the next grade level. Dr. Hartzell provided a brief explanation of current practices in place to assist students who are struggling academically.
- Mr. Crow further asked about the status of the stadium project completion as it was previously anticipated to be ready for the first home football game of the 2024 season. Dr. Hartzell and Mr. Fox responded.
- Mrs. Jen Kilgas asked about ticket sales for the North East home game to be hosted at Iroquois. All income and expenses will be as per normal procedures for this game with the only exception being that the North East Sports Boosters would not be able to run their concession stand at Iroquois.

Executive Session Announcement

Mr. Mobilia announced that the North East Board of School Directors would meet in an Executive Session following this evening's meeting concerning areas permissible under Act 84 which include confidentiality issues protected by law, specifically student matters and the legal civil action of Erin Beckes vs. the North East School District, Docket #12712-2022.

ADJOURNMENT: By acclamation the regular meeting was adjourned at 7:12 PM.

Jeffrey A. Fox, Board Secretary



CHANGE ORDER

Keystone Sports Construction
1100 Schell Ln, Suite 104
Phoenixville, PA 19460
Tel: 877-4074585 ◊ Fax: 484-930-0200

PROJECT: North East High School

CHANGE ORDER NUMBER: #4
DATE: Monday July 29th 2024
ARCHITECT'S PROJECT NO.: PAZ61-328

TO OWNER North East School District
 50 East Division Street
 North East, PA, 16428

CONTRACT FOR: Design Build Turf & Track Installation

The Contract is changed as follows:

1	Labor to Pull Approximatley 4,000' of 10/2 Speaker Cable from Press Box to Musco Pole F4, and extend through existing conduits to visitors' side Musco Pole F1- connection by others
2	Install one run of 2"PVC at 100LF from F4 Musco pole to underside of home bleachers.
3	Supply & install one run of 2" galvanized rigid conduit 75LF to press box
4	Electrical Permit Fee: \$1,180.00
5	
6	
7	
8	
9	
10	
11	

APPROVED: _____

Not valid until signed by the Owner and Contractor.

The original (Contract Sum) was	\$3,581,560.26
Net change by previously authorized Change orders	\$354,146.08
The (Contract Sum) prior to this Change order was	\$3,935,706.34
The (Contract Sum) will be (increased) by this Change Order	\$9,174.00
The new (Contract Sum) including this Change order will be	\$3,944,880.34

The Contract Time will be (increased) by 3 Days

Keystone Sports Construction

 CONTRACTOR
 1100 Schell Ln, Suite 104, Phoenixville, PA 19460
 Address
 Jonathon Prasky

North East School District

 OWNER
 50 East Division Street, North East, PA, 16428
 Address

BY

BY

DATE

DATE



NORTH EAST SCHOOL DISTRICT

50 EAST DIVISION STREET • NORTH EAST, PENNSYLVANIA 18428
TELEPHONE (814) 725-8671 • FAX (814) 725-9380

Mr. Corey Garland, Principal

Mrs. Alicia Bennett, Administrative Assistant

Mrs. Dara Allen, Assistant Principal

North East Middle School (NEMS) Grading Scale Adjustments (2024-2025)

In recent years, the North East School District has adopted the college grading scale, which is as follows:

- 90-100% A
- 80-89% B
- 70-79% C
- 60-69% D
- 0-59% F

This scale has been extremely beneficial to most students and suits the present needs of the educational system; however, at North East Middle School, we also utilize a 50% floor for all assignments. This means that a student who fails a test can earn no lower than a 50%. A student who refuses to do an assignment can also receive no lower than a 50%. This procedure has been implemented since the beginning of NEMS (originally a 62% floor in the traditional grading scale) to help struggling students. While it was guided by good intentions, students have ultimately learned to count on this floor and it has created both apathy and bad study habits.

Our current grading scale (50% floor mostly) does not set students up for long-term success. We have seen our students struggle as they cross the street to NEHS.

Proposed Changes to the Grading Scale/Floor Moving Forward

For the Class of 2031 (6th Graders) and Beyond:

- 6th Grade First Semester: 50% floor
- 6th Grade Second Semester: 40% floor
- 7th Grade First Semester: 30% floor
- 7th Grade Second Semester: 20% floor
- 8th Grade First Semester: 10% floor
- 8th Grade Second Semester: 0% floor

For the Class of 2028 (8th Graders):

- 8th Grade First Semester: 25% floor
- 8th Grade Second Semester: 0% floor

For the Class of 2030 (7th Graders):

- 7th Grade First Semester: 50% floor
- 7th Grade Second Semester: 25% floor
- 8th Grade First Semester: 25% floor
- 8th Grade Second Semester: 0% floor

For All Quarterly Specials Courses:

- 6th Grade Specials (Quarterly): 50% floor
- 7th Grade Specials (Quarterly): 25% floor
- 8th Grade Specials (Quarterly): 0% floor



NORTH EAST SCHOOL DISTRICT

50 EAST DIVISION STREET • NORTH EAST, PENNSYLVANIA 16428
TELEPHONE (814) 725-8671 • FAX (814) 725-9380

Rationale

We view ourselves as the bridge from NEES to NEHS. As such, we must do our best to prepare our students for their futures, not only at NEHS (but in the real world beyond school). This phased plan is not to increase failure rates, but rather to hold students accountable and to better prepare them for the next level of their academic careers. This entire plan ties directly into our work with the Erie County Profile of a Graduate initiative, as well as our own Road to Gold campaign.

Thank you for your consideration and support,

Corey Garland

Corey Garland
NEMS Principal

MEMORANDUM OF UNDERSTANDING

BETWEEN

NORTH EAST POLICE DEPARTMENT

AND

NORTH EAST SCHOOL DISTRICT

ADDENDUM

Cooperative Police Service Agreement

Under Section IV. General Provisions of the current Memorandum of Understanding between the North East Police Department and the North East School District, the parties agreed that the current memorandum may be amended at any time upon the written consent of both parties. As a result, both parties would like to add Section IV as follows:

IV. Cooperative Police Service Agreement

- (1). Pursuant to the Public School Code, the school can enter into an agreement with a municipality for police services. Specifically, 24 P.S. § 13-1309-C, subsections (a) and (b) state:
 - (a) A school entity or nonpublic school and municipality may enter into a cooperative police service agreement pursuant to 42 Pa.C.S. § 8953(e) (relating to Statewide municipal police jurisdiction) and 53 Pa.C.S. § 2303 (relating to intergovernmental cooperation authorized) to authorize the exercise of concurrent jurisdiction with local law enforcement within the municipality where the school or school entity or nonpublic school is located or within the municipality in which a school event or activity will take place.
 - (b) (1) If a school entity or nonpublic school is located within a municipality where no municipal police department exists, the school entity or nonpublic school may enter into a cooperative police service agreement pursuant to 42 Pa.C.S. § 8953(e) and 53 Pa.C.S. § 2303 with a municipality providing full-time police coverage that is located adjacent to the school.
- (2) At least thirty (30) days prior to executing a cooperative police service agreement under this subsection, the school entity or nonpublic school shall provide written notice of its intent to enter into the agreement to the municipality where the school is located.
- (3) A copy of the executed agreement shall be provided to the commanding officer of the Pennsylvania State Police installation that provides primary police services to the municipality where the school is located.

(4) A cooperative police service agreement entered into under this subsection shall only pertain to actions taken on school property pursuant to the agreement and shall not affect the jurisdiction of the Pennsylvania State Police.

(2) This cooperative police service agreement between the North East School District and the North East Police Department would allow for the assignment of an officer, depending on availability, to assist the North East School District’s Resource Officer and Administration with security and supervision in the North East School District within the jurisdiction of the Pennsylvania State Police. This is being carried out with the understanding that the assigned officer(s) will possess full law enforcement authority.

(3) This agreement is also being made with the understanding and cooperation of the Pennsylvania State Police Department as outlined above in the applicable provisions of the Pennsylvania Public School Code Section 24 P.S. §13-1309-C.

(4) Section IV General Provisions found in the current Memorandum of Understanding now becomes Section V in that agreement.

(5) This Cooperative Agreement will renew annually with no expiration date.

(6) The municipality shall adopt a resolution accepting this agreement upon school board approval.

And Now, this ___ day of _____, 20____, the parties hereby acknowledge the foregoing as the terms and conditions of their understanding related to this addendum, effective October 4, 2024:

Chief School Administrator

North East School District

Chief Law Enforcement Authority

Law Enforcement Authority/NEPD

Chief Law Enforcement Authority

Law Enforcement Authority/State Police

Board President

North East School District



Book	Policy Manual
Section	200 Pupils
Title	Student Discipline
Code	218
Status	Third Reading

Purpose

~~For teaching and learning to successfully take place, schools must provide an environment that is safe and orderly, encourage academic excellence and the free exchange of ideas, and promote personal growth. North East School District accepts this responsibility and encourages parents/guardians and teachers to work cooperatively to help students develop desirable behavior, self-discipline, self-respect, and respect for classmates, adults, and the rights and property of others.~~

The Board recognizes that student conduct is closely related to learning. An effective educational program requires a safe and orderly school environment.

Authority

~~The Board has the authority and responsibility to make reasonable and necessary rules governing the conduct of the students attending district schools during the time they are under the supervision of the school or at any time while on school property, while present at school-sponsored activities, and while traveling to or from school and school-sponsored activities. The Pennsylvania Public School Code provides for this authority and responsibility. These rules apply to Grades 1-12 and exclude Kindergarten students. [1][2][3][4][5]~~

The Board shall establish fair, reasonable and nondiscriminatory rules and regulations regarding the conduct of all students in the district.

~~The Board shall adopt a School District Discipline Code~~ **Code of Student Conduct** to govern student discipline, and students shall not be subject to disciplinary action because of race, sex, color, religion, sexual orientation, national origin or handicap/disability. Each student must adhere to Board policies and the ~~School District Discipline Code~~ **Code of Student Conduct** governing student discipline. [1][2][4][5][6][7][8][9]

~~The Board prohibits the use of corporal punishment by district staff to discipline students for violations of Board policies,~~ **the Code of Student Conduct** and district rules and regulations. [11]

~~Any student disciplined by a district employee shall have the right to notice~~ **be informed of the nature of the infraction and the applicable rule or rules violated.** [12]

When suspensions and expulsions are imposed, they shall be carried out in accordance with Board policy. [7][12]

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[5][7][13][14][15][16]

On and Off-Campus Activities

This policy and the Code of Student Conduct apply to the behavior of students at all times during the time they are under the supervision of the school or at any time while on school property, while present at school-sponsored activities, and while traveling to or from school and school-sponsored activities or at other times while riding in school-provided means of transportation (“on-campus”). This policy **and the Code of Student Conduct** also apply to student conduct **behavior** that occurs **at other times and places (“off-campus”)** when:[3]

1. ~~The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities.~~ **The conduct involves, threatens or makes more likely violence, use of force or other serious harm directed at students, staff or the school environment;**
2. ~~The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities. [15][16]~~ **The conduct materially and substantially disrupts or interferes with the school environment or the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions;**
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, for example, a transaction conducted outside of school pursuant to an agreement made in school, that would violate the School District Discipline Code if conducted in school.
5. The conduct involves the theft or vandalism of school property.
6. ~~There is otherwise a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.~~ **The proximity, timing or motive for the conduct in question or other factors pertaining to the conduct otherwise establish a direct connection to attendance at school, to the school community, or to a school-sponsored activity. This would include, for example, but not be limited to, conduct that would violate the Code of Student Conduct if it occurred in school that is committed in furtherance of a plan made or agreed to in school, or acts of vandalism directed at the property of school staff because of their status as school staff.**

Delegation of Responsibility

The Superintendent or designee shall ensure that reasonable and necessary rules and regulations are developed to implement Board policy governing student conduct.

The Superintendent or designee shall publish and distribute to all staff, students and parents/guardians the rules and regulations for student behavior contained in the Code of Student Conduct, the sanctions that may be imposed for violations of those rules, and a listing of students' rights and responsibilities. A copy of the ~~School District Discipline Code~~ **Code of Student Conduct** shall be available ~~on the school district's web page and used in the~~

development of student disciplinary procedures throughout the district **in each school library and school office and may be included in student handbooks and on the district website.**[\[1\]](#)[\[8\]](#)

The building principal or designee shall have the authority to assign discipline **is responsible for discipline** to students, subject to **Board** policies, rules and **administrative** regulations, **the Code of Student Conduct and school** rules, and to the student's due process right to notice, hearing, and appeal. Students are informed about the school district's disciplinary procedures and are asked to sign off to acknowledge that they have reviewed these rules and regulations. [\[7\]](#)[\[12\]](#)[\[17\]](#)[\[18\]](#)

Teachers may develop individual rules and disciplinary practices, but these rules and practices shall not conflict with the School District Discipline Code. Teaching staff and other district employees responsible for students shall have the authority to take reasonable actions necessary to control the conduct of students in all situations and in all places where students are within the jurisdiction of this Board, and when such conduct interferes with the educational program of the schools or threatens the health and safety of others, **in accordance with Board policy, administrative regulations, the Code of Student Conduct and school rules.**[\[17\]](#)

Reasonable force may be used by teachers and school authorities under any of the following circumstances: to quell a disturbance, obtain possession of weapons or other dangerous objects, for the purpose of self-defense, and for the protection of persons or property.[\[11\]](#)

A professional or non-professional employee shall immediately report the use of reasonable force or an assault suffered by the employee in connection with his/her employment in the district to his/her building principal or other immediate supervisor. The building principal or other immediate supervisor shall immediately report to the Superintendent the use of reasonable force or an assault suffered by the employee. Pertinent information will be made available to the employee.

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.[\[19\]](#)[\[20\]](#)[\[21\]](#)

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[\[16\]](#)[\[19\]](#)[\[20\]](#)[\[22\]](#)[\[23\]](#)[\[24\]](#)

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[\[16\]](#)[\[19\]](#)[\[25\]](#)

In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the Office for Safe Schools on the required form.[\[16\]](#)[\[20\]](#)[\[26\]](#)[\[27\]](#)[\[28\]](#)[\[29\]](#)

When a student’s behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy.[30][31]

The Superintendent shall report to the Board the methods of discipline imposed by administrators and incidences of student misconduct, in the degree of specificity required by the Board.

NOTES:

Act 116 of 2002 defines graffiti as it relates to criminal mischief offenses and defines defiant trespassers – Title 18, Sec. 3304 (3503)

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Legal

- [1. 22 PA Code 12.3](#)
- [2. 22 PA Code 12.4](#)
- [3. 24 P.S. 510](#)
4. Pol. 103
5. Pol. 103.1
- [6. 22 PA Code 12.2](#)
7. Pol. 113.1
8. Pol. 235
9. Pol. 832
10. Pol. 146.1
- [11. 22 PA Code 12.5](#)
12. Pol. 233
- [13. 22 PA Code 10.23](#)
- [14. 20 U.S.C. 1400 et seq](#)
15. Pol. 113.2
16. Pol. 805.1
- [17. 24 P.S. 1317](#)
- [18. 24 P.S. 1318](#)
- [19. 22 PA Code 10.2](#)
- [20. 24 P.S. 1303-A](#)
- [21. 35 P.S. 780-102](#)
- [22. 22 PA Code 10.21](#)
- [23. 22 PA Code 10.22](#)
- [24. 24 P.S. 1302.1-A](#)
- [25. 22 PA Code 10.25](#)
26. Pol. 218.1
27. Pol. 218.2
28. Pol. 222

29. Pol. 227

[30. 24 P.S. 1302-E](#)

31. Pol. 236.1

[20 U.S.C. 7114](#)

[22 PA Code 12.1 et seq](#)

[22 PA Code 403.1](#)

[34 CFR Part 300](#)

Mahanoy Area School District v. B.L., 594 U.S. _____ (2021)

Pol. 122

Pol. 123

Pol. 805



Book	Policy Manual
Section	100 Programs
Title	Discrimination/Harassment Affecting Students
Code	103 Vol IV 2024
Status	Review
Last Revised	October 1, 2020
Last Reviewed	October 1, 2020

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, **gender identity**, 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~~ **sex-based discrimination and** harassment. ~~Such discrimination shall be referred to throughout this policy as Title IX sexual harassment.~~ Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the ~~Assistant Secretary~~ **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~~ **sex-based discrimination or** 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.

Definitions

General Definitions

Complaint shall mean an oral or written request to the district that objectively can be understood as a request to investigate and make a determination about alleged discrimination.[19]

Complainant shall mean an individual who is alleged to be the victim ~~a student who is alleged to have been subjected to conduct that could constitute discrimination in accordance with law and this policy,~~ or a person other than a student or employee who

is alleged to have been subjected to conduct that could constitute discrimination and who was participating or attempting to participate in a district education program or activity at the time of the alleged discrimination.[19]

Pregnancy or related conditions, as defined in federal law, shall mean:[19][20]

- 1. Pregnancy, childbirth, termination of pregnancy, or lactation;**
- 2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, lactation; or**
- 3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation or related medical conditions.**

Pregnancy, as defined in state law, 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.[21]

Respondent shall mean ~~an individual alleged to be the perpetrator of the discriminatory conduct~~ **a person who is alleged to have violated the district's prohibition on discrimination in accordance with applicable law and this policy.[19]**

Retaliation shall mean intimidation, threats, coercion or discrimination against any person by the district, a student, employee or other person authorized to provide a district aid, benefit or service, for the purpose of interfering with any right or privilege under applicable law or Board policy, or because the person has reported information, made a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing, including an informal resolution process or any other actions taken by the district in accordance with applicable law and this policy and procedures. This term shall not include the district requiring an employee or other individual providing a district aid, benefit or service to participate or assist with an investigation, proceeding or hearing in accordance with applicable law and this policy.[19][22]

Discrimination Other Than Title IX

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including ~~but not necessarily limited to~~ race, color, age, **religious** creed, religion, sex, **gender identity**, 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.**

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

Religious beliefs include:[21]

1. **Moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.**
2. **The beliefs a complainant professes without regard to whether a religious group espouses these beliefs.**

Race includes all of the following:[\[21\]](#)[\[24\]](#)

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

Sex includes:[\[21\]](#)[\[25\]](#)

1. **Pregnancy.**
2. **Sex assigned at birth.**
3. **Gender, including a person's gender identity or gender expression. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is part of a person's core identity.**
4. **Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality.**
5. **Differences of sex development, variations of sex characteristics or other intersex characteristics.**

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.~~

Title IX sex-based discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.[\[19\]](#)[\[26\]](#)[\[27\]](#)

Title IX sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, **including:**[\[19\]](#)

1. ***Quid pro quo harassment*** – a district employee **or other person authorized to provide a district aid, benefit or service explicitly or impliedly** conditioning the provision of a **district aid, benefit, or service** on an individual's participation in unwelcome

sexual conduct.

2. **Hostile environment harassment** - unwelcome **sex-based** conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a district education program or activity. Determination of whether a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to:
 - a. **The degree to which the conduct affected the complainant's ability to access the district's education program or activity;**
 - b. **The type, frequency and duration of the conduct;**
 - c. **The complainant's and respondent's ages, roles in the district education program or activity, previous interactions and other relevant factors;**
 - d. **The location and context in which the conduct occurred; and**
 - e. **Other sex-based harassment in the district's 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:[\[28\]](#)
 - 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.[\[28\]](#)
 - 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.[\[29\]](#)
 - 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:[\[28\]](#)
 - 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 **sex-based discrimination or** harassment under Title IX. **This includes conduct that is subject to the district's disciplinary**

authority. 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, **but is not limited to, academic, extracurricular, research, occupational training and other education programs and activities of the district.** Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on campus or off campus. **The district is obligated to address a sex-based hostile environment in a district education program or activity, even when some conduct is outside the district's program or activity, or outside of the United States.** [\[27\]](#)[\[30\]](#)[\[31\]](#)[\[32\]](#)

Parent/Guardian, for the purposes of this policy and Title IX, shall mean the status of a person who with respect to another person who is under the age of eighteen (18) or who is eighteen (18) or older but is incapable of self-care because of a physical or mental disability, is:[\[19\]](#)

1. **A biological parent;**
2. **An adoptive parent;**
3. **A foster parent;**
4. **A stepparent;**
5. **A legal custodian or guardian;**
6. **In loco parentis with respect to such person; or**
7. **Actively seeking legal custody, guardianship, visitation or adoption of such a person.**

Supportive measures shall mean non-disciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, **without unreasonably burdening a complainant or respondent** 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~~ **in order to:**[\[19\]](#)[\[31\]](#)

1. **Restore or preserve access to the district's education program or activity, including measures designed to protect the safety of the individuals or the district's educational environment; or**
2. **Provide support during the grievance procedures or during an informal resolution process.**

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. Supporting measures may include, but are not limited to: [\[31\]](#)

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 applied to one or more parties.

6. Changes in **class**, work, housing **or extracurricular or other activities**.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. **Training and education programs related to sex-based harassment.**
11. Assistance from domestic violence or rape crisis programs.
12. 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~~ **and** 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]^[31]^[33]^[34]^[35]^[36]

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 as the district's Compliance Officer and the High School Principal as the district's Title IX Coordinator.^[37]

The Compliance Officer can be contacted at:

Address: 50 East Division Street, North East, PA 16428
 Email: adminoffice@nesd1.org
 Phone Number: 814-725-8671 ext. 3907

The Title IX Coordinator can be contacted at:

Address: 1901 Freeport Road, North East, PA 16428
 Email: wrenne@nesd1.org
 Phone Number: 814-725-8671 ext. 1000

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, **to monitor and address barriers to reporting** and to monitor the implementation of the district's nondiscrimination procedures in the following areas, as appropriate:^[31]

1. Curriculum and Materials – Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. **Counseling and Classes – Review of counseling and appraisal materials and access to classes and programs for stereotyping, bias and discrimination. If the district identifies that particular classes or courses contain a disproportionate number of individuals of one (1) sex, the district shall conduct a review to determine that the disproportion is not based on discriminatory practices.**^[38]
3. Training – Provide training for students and staff to prevent, identify and alleviate ~~problems of discrimination~~ **conduct which may constitute discrimination or harassment.**

4. Resources – Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to the police **law enforcement**, and available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.
5. Student Access – Review of programs, activities, **facilities** and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation. [\[27\]](#)[\[38\]](#)[\[39\]](#)
6. 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. [\[40\]](#)[\[41\]](#)[\[42\]](#)
7. Student Evaluation – Review of assessments, procedures **and standards of measurement** for stereotyping and discrimination. [\[43\]](#)
8. Reports/~~Formal~~ **Complaints** – Monitor and provide technical assistance to individuals involved in managing ~~informal~~ **reports and** ~~formal~~ **complaints**.

Guidelines

When district programs and activities include separation on the basis of sex, in accordance with law and regulations, including but not limited to separate restroom or changing facilities or separate health and physical fitness activities, the district shall not implement such programs or activities in a manner that discriminates on the basis of sex, including an individual’s gender identity. [\[27\]](#)[\[39\]](#)

Violations of this policy, including acts of retaliation as ~~described~~ **defined** in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures, **and in accordance with applicable law and regulations**. This ~~policy prohibits individuals from knowingly making false statements or knowingly submitting false information during the Title IX grievance process outlined in Attachment 3 and during other grievance processes established by Board policy and procedures and/or the Student Code of Conduct. A violation of this prohibition by district students may lead to discipline up to and including referral for expulsion.~~ [\[32\]](#)[\[34\]](#)[\[44\]](#)[\[45\]](#)[\[46\]](#)

The Board requires a notice stating that the district does not discriminate in any manner, including Title IX ~~sexual~~ **sex-based discrimination and** harassment, in any district education program or activity, to be issued to all students, parents/guardians **or other legal representatives of students**, employees, applicants for employment **or admission**, and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the **name or** title, office address, phone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator. **The district’s notice shall provide information on the location of the Board policy and complaint or grievance procedures, how to report information about conduct prohibited by this policy and how to file a complaint.** [\[37\]](#)

The Board directs that ~~the foregoing statement~~ **this notice** be included in each student and staff handbook, **on the district website, and in each catalog, announcement, bulletin and application form for students. An abbreviated statement of the district’s prohibition of discrimination, that individuals may report concerns to the Title IX Coordinator and location of the full notice on the district website may be published when necessary due to size or format of publications.** [\[37\]](#)

A copy of this policy and related attachments shall also be posted to the district’s website.

Reports of Title IX Sexual **Sex-Based Discrimination or** 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 **sex-based discrimination or** harassment, other discrimination or retaliation to promptly report such incidents to the building principal or Title IX Coordinator, even if some elements of the related incident took place or originated away from school grounds, ~~school~~ **education programs or** 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 or Title IX Coordinator.

A school employee who suspects or is notified that a student ~~has~~ **may have** been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Title IX Coordinator, as well as properly making any mandatory police **law enforcement** or child protective services reports required by law. [\[31\]](#)[\[47\]](#)[\[48\]](#)

If the ~~building principal~~ **Title IX Coordinator** is the subject of a complaint, the student, third party, **building principal** or a reporting employee shall report the incident directly to the ~~Title IX Coordinator~~ **Superintendent or designee**.

The complainant or the individual making the report may use the Discrimination/~~Sexual~~**Harassment**/Bullying/Hazing/Dating Violence/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, ~~verbal~~ **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 (~~or any other employee of the district who received the report~~) shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual **sex-based discrimination and** harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant ~~and, if deemed to be necessary, the reporter if not the complainant,~~ regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures ~~for the complainant~~. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures **and reasonable safety concerns**. [\[31\]](#)

The Title IX Coordinator shall conduct an assessment ~~of the information supplied by the reporter and/or complainant~~ to determine whether the reported circumstances, if presumed to be true, could constitute Title IX sexual harassment or retaliation **conduct meets the definition of Title IX sex-based discrimination or harassment and the appropriate procedures to address the conduct in accordance with this Board policy and procedures, or other Board policies**. [\[31\]](#) If they do not, they may be addressed through the Discrimination Complaint Procedures prescribed in Attachment 2 to this policy. If the reported circumstances, if presumed to be true at this point in the process, meet the definition of Title IX sexual harassment, they shall be addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3. (Also refer to Attachment 3 on how to proceed if/when the complainant refuses to sign a Title IX formal complaint and is requesting that a formal complaint under Title IX *not* be filed by the Title IX Coordinator.) If the reported circumstances, presumed to be true, do not constitute either either Title IX sexual harassment or retaliation nor conduct otherwise prohibited in this Policy 103 and Attachment 2, the Title IX Coordinator shall refer the report for follow up under any other applicable Board policies and/or the Student Code of Conduct.

If the Title IX Coordinator reasonably determines that the conduct may constitute sex-based discrimination or harassment, the Title IX Coordinator shall take the following steps under Title IX and this Board policy and procedures:[31].

- 1. Treat the complainant and respondent equitably.**
- 2. Offer and coordinate supportive measures, as appropriate, for the complainant and respondent.**
- 3. Notify the complainant or individual who reported the conduct of the grievance procedures and informal resolution process, if available and appropriate.**
- 4. If a complaint is made, notify the respondent of the grievance procedures and, if applicable, the informal resolution process.**
- 5. Initiate the grievance procedures or informal resolution process, if available and appropriate.**
- 6. In the absence of a complaint or withdrawal of any or all allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint under the grievance procedures, in accordance with law, regulations and the grievance procedures.**
- 7. If initiating a complaint under the grievance procedures, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety and the safety of others, including by providing supportive measures.**
- 8. Take other prompt and effective steps to ensure that sex-based discrimination and harassment does not continue or recur within the district's education programs or activities.**

Disciplinary Procedures When Reports Allege Title IX Sexual **Sex-Based Discrimination or Harassment**

When a report alleges Title IX sexual **sex-based discrimination or** harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in Attachment 3 **procedures**. 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 **procedures**. [32]

~~If possible, the district will refrain from pursuing disciplinary action pursuant to the Student Code of Conduct until such time as the Title IX grievance process has concluded. This means suspensions and expulsion may be temporarily postponed until the conclusion of the Title IX grievance process when/if the district, in consultation with the Title IX Coordinator, determines that supportive measures and other non-punitive actions agreed to by the parties (ex: complainant and respondent voluntarily agree to stay away from each other; respondent voluntarily participates in the school district's online/virtual education program or other alternative setting during the grievance process, etc.) result in their being no immediate threat to the physical health or safety of any student or other individual arising from the allegations during the grievance process period.~~

~~The respondent shall be provided with notice and provided an opportunity for due process, in accordance with law, regulations and Board policy. When expulsion is not necessary because continuation of educational services is not feasible, the district, in consultation with the Title IX Coordinator, after having taken an initial individualized safety and risk analysis, believes the respondent must be removed from the district's education program or activity on an emergency~~

~~basis during the Title IX grievance process in order to address an immediate threat to the physical health or safety of an individual, the process outlined in detail in Attachment 3 shall be followed.~~

When an emergency removal, as described in the grievance procedures, is warranted to address an imminent and serious 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. The district shall provide the respondent with notice and an opportunity to challenge the emergency removal immediately following the removal.[\[31\]](#)[\[34\]](#)[\[35\]](#)[\[36\]](#)[\[45\]](#)

When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance process for formal complaints **procedures**. 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.[\[34\]](#)[\[35\]](#)[\[44\]](#)[\[45\]](#)

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.[\[49\]](#)[\[50\]](#)

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 **sex-based discrimination or** harassment, shall be handled in accordance with applicable law, regulations, this **Board policy and procedures**, ~~the attachments~~ and the district's legal and investigative obligations **to carry out the grievance procedures.**[\[22\]](#)[\[32\]](#)[\[51\]](#)[\[52\]](#)

The district shall not disclose personally identifiable information except in the following circumstances:[\[31\]](#)[\[51\]](#)[\[52\]](#)[\[53\]](#)[\[54\]](#)

- 1. When the district has obtained prior written consent in accordance with law.**
- 2. When the information is disclosed to a parent/guardian as defined in this policy or other authorized legal representative with the legal right to receive disclosures on behalf of the individual.**
- 3. To carry out the requirements of this policy and the accompanying procedures.**
- 4. As required or permitted by applicable law or regulations or the requirements of grant funding.**

Retaliation

The Board prohibits retaliation, **including peer retaliation between students**, by the district or any other person against any person for:[\[19\]](#)[\[22\]](#)

1. Reporting or making a formal **complaint** of any form of **conduct that may constitute** discrimination or retaliation, including Title IX sexual **sex-based discrimination or** 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. **The district shall respond to reports of retaliation by initiating the appropriate procedures in accordance with applicable law, regulations and this Board policy. Retaliation that falls under Title IX shall be addressed through the grievance procedures or, as appropriate, through the informal resolution process.**[22]

Title IX Sexual ~~Sex~~-Based Discrimination and 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.~~

The district shall provide training annually to all school employees on:[37]

- 1. The district's obligation to address sex-based discrimination and harassment in district education programs and activities.**
- 2. The scope of conduct that constitutes sex-based discrimination and harassment, as defined in the law and this policy.**
- 3. Staff responsibility to provide the Title IX Coordinator's contact information to students or parents/guardians and to notify the Title IX Coordinator regarding conduct that may constitute sex-based discrimination or harassment, in accordance with this Board policy and procedures.**

The Compliance Officer and Title IX Coordinator, investigators, decision-makers, any staff responsible to implement grievance procedures related to Title IX sex-based discrimination or harassment and any staff authorized to modify or terminate supportive measures shall receive the following training annually, as required or appropriate to their specific role:[37]

1. **The district's obligations under Title IX, including definitions of sex-based discrimination and harassment.**
2. **The grievance procedures used to address Title IX complaints.**
3. **How to conduct an investigation, including examination of evidence, drafting reports and determinations, and handling appeals, as applicable.**
4. **How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.**
5. **Issues of relevance in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.**
6. **{ } How to address complaints when the alleged conduct does not qualify as Title IX sex-based discrimination or harassment but could be addressed under another complaint process or Board policy. **decision needed****

Staff designated to facilitate the informal resolution process shall receive training annually on the rules and practices associated with the informal resolution process and how to serve impartially, including by avoiding conflicts of interest and bias.[37]

The Title IX Coordinator and designees shall receive the following training annually, in addition to all other training required by Title IX and this policy:[37]

1. **Specific responsibilities of the Title IX Coordinator, in accordance with law and Board policy and procedures.**
2. **The district's recordkeeping system and requirements for recordkeeping in accordance with Title IX and Board policy and administrative regulations.[53][54][55][56]**
3. **Any other training required to coordinate the district's compliance with Title IX and other applicable laws, regulations and Board policy.**

All training materials shall be retained for at least seven (7) years and must be made available for inspection upon request from a member of the public.[37][56][57]

Disciplinary Consequences

A student ~~who~~ **whose conduct** is determined to be ~~responsible for~~ **in** violation of this policy, **including a determination of sex-based harassment**, shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:[34][44][45]

1. Loss of school privileges.
2. Permanent transfer to another school building, classroom or school bus.
3. Exclusion from school-sponsored **and extracurricular** activities.
4. Detention.
5. Suspension.
6. Expulsion.
7. Referral to law enforcement officials.

An employee who violates this policy, **including a determination of sex-based harassment**, 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.[46][58]

Handling of Reports

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 **sex-based discrimination or** harassment but are based on race, color, age, **religious** creed, religion, sex, **gender identity**, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability shall ~~follow~~ **be handled in accordance with** the Discrimination Complaint Procedures in ~~Attachment 2~~ **attached** to this policy.

Reports of Title IX Sex-Based Discrimination or Harassment –

Any reports deemed by the Title IX Coordinator to meet the definition of sexual **sex-based discrimination or** harassment under Title IX shall ~~follow~~ **be handled in accordance with** the **Grievance** Process for Formal Complaints in ~~Attachment 3~~ to this policy Procedures **attached** to this policy. [32]

PSBA Revision 7/24 @2024

Legal

- [1. 24 P.S. 1301](#)
- [2. 24 P.S. 1310](#)
- [3. 24 P.S. 1601-C et seq](#)
- [4. 22 PA Code 4.4](#)
- [5. 22 PA Code 12.1](#)
- [6. 22 PA Code 12.4](#)
- [7. 22 PA Code 15.1 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. 1981 et seq](#)
- [15. 42 U.S.C. 2000d et seq](#)
- [16. 42 U.S.C. 12101 et seq](#)
- [17. U.S. Const. Amend. XIV, Equal Protection Clause](#)
18. Pol. 103.1
- [19. 34 CFR 106.2](#)
20. Pol. 234
- [21. 16 PA Code 41.204](#)
- [22. 34 CFR 106.71](#)

[23. 16 PA Code 41.205](#)
[24. 16 PA Code 41.207](#)
[25. 16 PA Code 41.206](#)
[26. 34 CFR 106.10](#)
[27. 34 CFR 106.31](#)
[28. 34 U.S.C. 12291](#)
[29. 20 U.S.C. 1092](#)
[30. 34 CFR 106.11](#)
[31. 34 CFR 106.44](#)
[32. 34 CFR 106.45](#)
33. Pol. 113
34. Pol. 113.1
35. Pol. 113.2
36. Pol. 113.3
[37. 34 CFR 106.8](#)
[38. 34 CFR 106.34-106.36](#)
[39. 34 CFR 106.41](#)
[40. 34 CFR 106.33](#)
[41. 34 CFR 106.37](#)
42. Pol. 150
[43. 34 CFR 106.43](#)
44. Pol. 218
45. Pol. 233
46. Pol. 317
47. Pol. 805.1
48. Pol. 806
[49. 24 P.S. 1318.1](#)
50. Pol. 218.3
[51. 20 U.S.C. 1232g](#)
[52. 34 CFR Part 99](#)
53. Pol. 113.4
54. Pol. 216
55. Pol. 324
56. Pol. 800
57. Pol. 801
58. Pol. 317.1
[20 U.S.C. 1400 et seq](#)
[28 CFR Part 35](#)
[28 CFR Part 41](#)
[34 CFR Part 100](#)

[34 CFR Part 104](#)

[34 CFR Part 106](#)

[34 CFR Part 110](#)

[U.S. Const. Amend. I](#)

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

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

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

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

Office for Civil Rights - Fact Sheet: Harassment Based on Race, Color, or National Origin on School Campuses (July 2024)

[Office for Civil Rights - Resources for Addressing Racial Harassment](#)

[18 Pa. C.S.A. 2709](#)

Pol. 122

Pol. 123

Pol. 138

Pol. 220

Pol. 247

Pol. 249

Pol. 251

Pol. 252

Pol. 320

Pol. 701

Pol. 815

[103 Report Form.pdf \(351 KB\)](#)

[103-Discrimination Complaint Procedures.docx \(50 KB\)](#)

[103-Grievance Procedures.docx \(98 KB\)](#)

[103-ConfidentialityTemplate Letter.docx \(29 KB\)](#)



Book	Policy Manual
Section	100 Programs
Title	Discrimination/Harassment Affecting Staff
Code	104 Vol IV 2024
Status	Review
Last Revised	October 1, 2020
Last Reviewed	October 1, 2020

Authority

The Board declares it to be the policy of this district to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, **religious** creed, religion, sex, sexual orientation, **gender identity**, 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 medical conditions**, consistent with the requirements of federal and state laws and regulations. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)

The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting **sex-based discrimination and** harassment, ~~which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment.~~ Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the ~~Assistant Secretary~~ **Office** for Civil Rights of the U.S. Department of Education, or both.

Definitions

General Definitions

Complaint shall mean an oral or written request to the district that objectively can be understood as a request to investigate and make a determination about alleged discrimination.[\[14\]](#)

Complainant shall mean an individual who is alleged to ~~be the victim~~ **have been subject to conduct that could constitute discrimination in accordance with law and this policy.**
[\[14\]](#)

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.[14][15]

Pregnancy, as defined in state law, 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.[16]

Respondent shall mean ~~an individual~~ **a person who is** alleged to be the perpetrator of the discriminatory conduct **have violated the district's prohibition on discrimination in accordance with applicable law and this policy.**[14]

Retaliation shall mean intimidation, threats, coercion or discrimination against any person by the district, a student, employee or other person authorized to provide a district aid, benefit or service, for the purpose of interfering with any right or privilege under applicable law or Board policy, or because the person has reported information, made a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing, including an informal resolution process or any other actions taken by the district in accordance with applicable law and this policy and procedures. This term shall not include the district requiring an employee or other individual providing a district aid, benefit or service to participate or assist with an investigation, proceeding or hearing in accordance with applicable law and this policy.[14][17]

Discrimination **Other Than Title IX**

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, **gender identity**, sexual orientation, genetic information, ancestry, national origin, marital status, handicap/disability, pregnancy, **childbirth or pregnancy-related conditions, or based on an individual's association with a person who has a protected classification.**

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 ~~unwelcome~~ **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, misgendering or denial of access to facilities consistent with an individual's gender identity**, 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:[9]

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

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.[\[18\]](#)

Religious beliefs include:[\[16\]](#)

1. Moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.
2. The beliefs a complainant professes without regard to whether a religious group espouses these beliefs.

Race includes all of the following:[\[16\]](#)[\[19\]](#)

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.

Sex includes:[\[16\]](#)[\[20\]](#)

1. Pregnancy.
2. Sex assigned at birth.
3. Gender, including a person's gender identity or gender expression. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is part of a person's core identity.
4. Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality.
5. Differences of sex development, variations of sex characteristics or other intersex characteristics.

Definitions Related to Title IX

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

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

Title IX sex-based discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.[\[14\]](#)[\[21\]](#)[\[22\]](#)

Title IX sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, **including:**[\[14\]](#)

1. ***Quid pro quo harassment*** - a district employee or other person authorized to provide a district aid, benefit or service explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
2. ***Hostile environment harassment*** - unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a district education program or activity. Determination of whether a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to:
 - a. **The degree to which the conduct affected the complainant's ability to access the district's education program or activity;**
 - b. **The type, frequency and duration of the conduct;**
 - c. **The complainant's and respondent's ages, roles in the district education program or activity, previous interactions and other relevant factors;**
 - d. **The location and context in which the conduct occurred; and**
 - e. **Other sex-based harassment in the district's 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:[\[23\]](#)
 - 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.[\[23\]](#)

- 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.[\[24\]](#)
- 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:[\[23\]](#)
 - 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 **sex-based discrimination or harassment** under Title IX. **This includes conduct that is subject to the district's disciplinary authority.** 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,~~ **but is not limited to, academic, extracurricular, research, occupational training and other education programs or activities of the district.** Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on campus or off campus. **The district is obligated to address a sex-based hostile environment in a district education program or activity, even when some conduct is outside the district's program or activity, or outside of the United States.**[\[22\]](#)[\[25\]](#)[\[26\]](#)[\[27\]](#)

Supportive measures shall mean non-disciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, **without unreasonably burdening a complainant or respondent** 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~~ **in order to:**[\[14\]](#)[\[26\]](#)

1. Restore or preserve equal access to the district's education program or activity ~~without unreasonably burdening the other party,~~ including measures designed to protect the safety of the individuals or the district's educational environment; or ~~deter sexual harassment~~
2. **Provide support during the grievance procedures or during an informal resolution process.**

Supportive measures may include, but are not limited to:[\[26\]](#)

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~~ **applied to one or more** 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. **Training and education programs related to sex-based harassment.**
11. Assistance from domestic violence or rape crisis programs.
12. Assistance from community health resources, including counseling resources.

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 as the district's Compliance Officer and Title IX Coordinator. [28]

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

Address: 50 East Division Street, North East, PA 16428

Email: adminoffice@nesd1.org

Phone Number: 814-725-8671 ext. 3907

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, **to monitor and address barriers to reporting** and to monitor the implementation of the district's nondiscrimination procedures in the following areas, as appropriate: [26]

1. Review - Review of personnel **and hiring** practices and actions for discriminatory bias and compliance with laws against discrimination **and harassment**, to include monitoring and recommending **promptly implementing** corrective measures when appropriate. This may include, but is not limited to, changes 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, nonrenewal of contracts and proposed employee disciplinary actions up to and including termination; **and provision of employee benefits and services.**
2. Training - Provide training for supervisors and staff to prevent, identify and alleviate ~~problems of employment discrimination~~ **conduct which may constitute discrimination or harassment.**
3. Resources - Maintain and provide information to staff on resources available to ~~alleged victims~~ **complainants** in addition to the school complaint procedure or Title IX procedures, such as making reports to ~~the police~~ **law enforcement**, 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

When district programs and activities include separation on the basis of sex, in accordance with law and regulations, including but not limited to separate restroom or changing facilities, the district shall not implement such programs or activities in a manner that discriminates on the basis of sex, including an individual's gender identity. [22][29]

~~This policy prohibits individuals from knowingly making false statements or knowingly submitting false information during the Title IX complaint and/or grievance process. Any employee found to have violated this prohibition may be subject to discipline, up to and including dismissal.~~

Violations of this policy, including acts of retaliation as defined in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures, and in accordance with applicable law and regulations.[\[27\]](#)[\[30\]](#)[\[31\]](#)

The Board requires a notice stating that the district does not discriminate in any manner, including Title IX sexual **sex-based discrimination and** harassment, in any district education program or activity, to be issued to all students, parents/guardians **or other legal representatives of students**, 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 **name or** title, office address, phone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator. **The district's notice shall provide information on the location of the Board policy and complaint or grievance procedures, how to report information about conduct prohibited by this policy and how to file a complaint.**[\[28\]](#)

The Board directs that this notice be included in each staff handbook, on the district website, **and in each catalog, announcement, bulletin and application form for applicants and employees. An abbreviated statement of the district's prohibition of discrimination, that individuals may report concerns to the Title IX Coordinator and location of the full notice on the district website may be published when necessary due to size or format of publications. A copy of this policy and related attachments shall also be posted to the district's website.**[\[28\]](#)

The Board shall engage in the interactive process with qualified employees and provide reasonable accommodations in accordance with applicable law and regulations.[\[11\]](#)[\[12\]](#)[\[32\]](#)

The district shall not require a qualified employee to take paid or unpaid leave for pregnancy, childbirth or pregnancy-related medical conditions if another reasonable accommodation can be provided to address the employee's known limitations.[\[33\]](#)[\[34\]](#)[\[35\]](#)[\[36\]](#)

Reports of Title IX Sexual **Sex-Based Discrimination and** 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 **sex-based discrimination and** harassment, other discrimination, harassment ~~and/or~~ retaliation to promptly report such incidents to the building principal, ~~director of human resources/personnel~~ or **Title IX Coordinator**. A person who is not an intended victim or target of discrimination **or harassment** but is adversely affected by the offensive **conduct** ~~but is adversely affected by the offensive conduct~~ may file a report of **sex-based** 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 or administrator~~ **Title IX Coordinator** is the subject of a complaint, the complainant, **building principal** or the individual making the report shall direct the report of the incident to the ~~director of human resources/personnel and/or the Title IX Coordinator~~ **Superintendent or designee.**

The complainant or the individual making the report may use the Discrimination/Harassment/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, ~~verbal~~ **oral** reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

~~If a report of Discrimination/Sexual Harassment/Retaliation under this Policy relates to a District employee, the building principal (or any other District employee who received the report) shall promptly notify the director of human resources/personnel and the Title IX Coordinator of all reports of discrimination, harassment, Title IX sexual sex-based discrimination and harassment or retaliation. If the report involves potential sexual harassment, discrimination, and/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 for the complainant. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures and reasonable safety concerns.~~ **[26]**

~~The Title IX Coordinator shall conduct an assessment of the information supplied by the reporter and/or complainant to determine whether the reported circumstances, if presumed to be true, could constitute conduct meets the definition of Title IX sexual sex-based discrimination or harassment and the appropriate procedures to address the conduct in accordance with this Board policy and procedures, or other Board policies.~~ **[26]** ~~The Title IX Coordinator may consult with the Director of Human Resources/Personnel and/or legal counsel when making this determination. If the reported circumstances, if presumed to be true at this point in the process, meet the definition of Title IX sexual harassment, they shall be addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3. (Also refer to Attachment 3 on how to proceed if/when the complainant refuses to sign a Title IX formal complaint and is requesting that a formal complaint under Title IX not be filed by the Title IX Coordinator.)~~

~~If the reported circumstances, even if presumed to be true, do not meet the definition of Title IX sexual harassment, they may be addressed through the Discrimination Complaint Procedures prescribed in Attachment 2 to this policy.~~

If the Title IX Coordinator reasonably determines that the conduct may constitute sex-based discrimination or harassment, or other discrimination or harassment, the Title IX Coordinator shall take the following steps under applicable law and regulations, this Board policy and procedures: **[26]**

- 1. Treat the complainant and respondent equitably.**
- 2. Offer and coordinate supportive measures, as appropriate, for the complainant and respondent.**
- 3. Notify the complainant or individual who reported the conduct of the grievance procedures and informal resolution process, if available and appropriate.**
- 4. If a complaint is made, notify the respondent of the grievance procedures and, if applicable, the informal resolution process.**
- 5. Initiate the grievance procedures or informal resolution process, if available and appropriate.**
- 6. In the absence of a complaint or withdrawal of any or all allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint under the grievance procedures, in accordance with law, regulations and the grievance procedures.**

- 7. If initiating a complaint under the grievance procedures, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety and the safety of others, including by providing supportive measures.**
- 8. Take other prompt and effective steps to ensure that sex-based discrimination and harassment or other discrimination or harassment does not continue or recur within the district's education programs or activities.**

Disciplinary Procedures when Reports Allege Title IX Sexual **Sex-Based Discrimination or Harassment**

When a report alleges Title IX sexual **sex-based discrimination or** harassment, disciplinary sanctions may not be imposed until the completion of the grievance ~~process for formal complaints outlined in Attachment 3~~ **procedures**. 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~~ **procedures**.[\[27\]](#)

Administrative Leave –

~~The District may elect to place an employee accused of discrimination, harassment, retaliation or other prohibited behavior on administrative leave pending further investigation, 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.~~

When an employee, based on an individualized safety and risk analysis, poses an imminent and serious 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 notice and provided an opportunity to challenge the emergency removal immediately following the removal.[\[26\]](#)[\[30\]](#)

An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance procedures, 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 **sex-based discrimination or** harassment, shall be handled in accordance with applicable law, regulations, this **Board** policy ~~the attachments~~ **and procedures**, and the district's legal and investigative obligations **to carry out the grievance procedures**.[\[17\]](#)[\[27\]](#)[\[37\]](#)[\[38\]](#)

The district shall not disclose personally identifiable information except in the following circumstances:[\[26\]](#)[\[37\]](#)[\[38\]](#)[\[39\]](#)[\[40\]](#)[\[41\]](#)[\[42\]](#)

- 1. When the district has obtained prior written consent in accordance with law.**
- 2. When student information is disclosed to a parent/guardian as defined in Board policy or other authorized legal representative with the legal right to receive disclosures on behalf of the individual.**
- 3. To carry out the requirements of this policy and the accompanying procedures.**

4. **As required or permitted by applicable law or regulations or the requirements of grant funding.**

Retaliation

The Board prohibits retaliation by the district or any other person against any person for: [\[17\]](#) [\[43\]](#)

1. Reporting or making a formal **complaint** of any form of **conduct that may constitute** discrimination or retaliation, including Title IX sexual **sex-based discrimination or** 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. **The district shall respond to reports of retaliation by initiating the appropriate procedures in accordance with applicable law, regulations and this Board policy. Retaliation that falls under Title IX shall be addressed through the grievance procedures or, as appropriate, through the informal resolution process.** [\[17\]](#)

Title IX Sexual **Sex-Based Discrimination and** 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:~~

The district shall provide training annually to all school employees on: [\[28\]](#)

1. **The district's obligation to address sex-based discrimination and harassment in district education programs and activities.**
2. **The scope of conduct that constitutes sex-based discrimination and harassment, as defined in the law and this policy.**
3. **Staff responsibility to provide the Title IX Coordinator's contact information to students or parents/guardians and to notify the Title IX Coordinator regarding conduct that may constitute sex-based discrimination or harassment, in accordance with Board policy and procedures.** [\[41\]](#)

The Compliance Officer and Title IX Coordinator, investigators, decision-makers, or any staff responsible to implement grievance procedures related to Title IX sex-based discrimination or harassment and any staff authorized to modify or terminate supportive measures shall receive the following training annually, as required or appropriate to their specific role: [\[28\]](#)

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.~~

1. **The district's obligations under Title IX, including** definitions of **sex-based discrimination and** harassment.

2. **The grievance procedures used to address Title IX complaints.**
3. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, **interviewing witnesses, evaluating credibility,** drafting written **reports and** determinations, **and** handling appeals and informal resolution process, 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 **in relation to** questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, **and the types of evidence that are impermissible regardless of relevance.**
7. **Decision Needed: { } How to address complaints when the alleged conduct does not qualify as Title IX sex-based discrimination or harassment but could be addressed under another complaint process or Board policy.**[30][31][44][45]

Staff designated to facilitate the informal resolution process shall receive training annually on the rules and practices associated with the informal resolution process and how to serve impartially, including by avoiding conflicts of interest and bias.[28]

The Title IX Coordinator and designees shall receive the following training annually, in addition to all other training required by Title IX and this policy:[28]

1. **Specific responsibilities of the Title IX Coordinator, in accordance with law and Board policy and procedures.**
2. **The district's recordkeeping system and requirements for recordkeeping in accordance with Title IX and Board policy and administrative regulations.**[40][46]
3. **Any other training required to coordinate the district's compliance with Title IX and other applicable laws, regulations and Board policy.**

All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes **shall be retained for at least seven (7) years and must be made available for inspection upon request from a member of the public.**[28][46][47]

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

Disciplinary Consequences

An employee who violates this policy, **including a determination of sex-based harassment,** 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.[30][31]

Reports of Discrimination - Handling of Reports

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 **sex-based discrimination or** harassment but are based on race, color, age, **religious** creed, religion, sex, **gender identity,** sexual orientation, ancestry, genetic

information, national origin, marital status, handicap/disability **or pregnancy, childbirth or pregnancy-related conditions** shall follow **be handled in accordance with** the Discrimination Complaint Procedures in Attachment 2 **attached** to this policy.

Reports of Title IX Sex-Based Discrimination or Harassment –

Any reports deemed by the Title IX Coordinator to meet the definition of sexual **sex-based discrimination or** harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3 to this policy **be handled in accordance with the Grievance Procedures attached to this policy.**

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Legal

- [1. 43 P.S. 336.3](#)
- [2. 43 P.S. 951 et seq](#)
- [3. 34 CFR Part 106](#)
- [4. 20 U.S.C. 1681 et seq](#)
- [5. 29 U.S.C. 206](#)
- [6. 29 U.S.C. 621 et seq](#)
- [7. 29 U.S.C. 794](#)
- [8. 42 U.S.C. 1981 et seq](#)
- [9. 42 U.S.C. 2000e et seq](#)
- [10. 42 U.S.C. 2000ff et seq](#)
- [11. 42 U.S.C. 12101 et seq](#)
- [12. 29 CFR Part 1636](#)
- [13. U.S. Const. Amend. XIV, Equal Protection Clause](#)
- [14. 34 CFR 106.2](#)
- [15. 29 CFR 1636.3](#)
- [16. 16 PA Code 41.204](#)
- [17. 34 CFR 106.71](#)
- [18. 16 PA Code 41.205](#)
- [19. 16 PA Code 41.207](#)
- [20. 16 PA Code 41.206](#)
- [21. 34 CFR 106.10](#)
- [22. 34 CFR 106.31](#)
- [23. 34 U.S.C. 12291](#)
- [24. 20 U.S.C. 1092](#)
- [25. 34 CFR 106.11](#)
- [26. 34 CFR 106.44](#)
- [27. 34 CFR 106.45](#)
- [28. 34 CFR 106.8](#)
- [29. 34 CFR 106.41](#)
30. Pol. 317

31. Pol. 317.1

[32. 29 CFR 1630.1 et seq](#)

[33. 29 CFR 1636.4](#)

34. Pol. 335

35. Pol. 336

36. Pol. 339

[37. 20 U.S.C. 1232g](#)

[38. 34 CFR Part 99](#)

39. Pol. 216

40. Pol. 324

41. Pol. 103

42. Pol. 113.4

[43. 29 CFR 1636.5](#)

44. Pol. 806

45. Pol. 824

46. Pol. 800

47. Pol. 801

[18 Pa. C.S.A. 2709](#)

[16 PA Code 41.201 et seq](#)

[28 CFR 35.140](#)

[28 CFR Part 41](#)

[29 CFR Parts 1600-1691](#)

[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 \(2024\)](#)

Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998)

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

Groff v. DeJoy, 600 U.S. 447 (2023)

Pol. 320

Pol. 815

[104 Report Form.pdf \(322 KB\)](#)

[104-Discrimination Complaint Procedures.docx \(49 KB\)](#)

[104-Grievance Procedures.docx \(85 KB\)](#)



Book	Policy Manual
Section	100 Programs
Title	Nondiscrimination - Qualified Students With Disabilities
Code	103.1 Vol IV 2024
Status	Review
Last Revised	June 21, 2018
Last Reviewed	June 21, 2018

Authority

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

~~Disability—with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such an individual; a record of such an impairment; or being regarded as having such an impairment.~~

~~Major life activities—functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.~~

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 Superintendent **and/or Special Education Supervisor or designee** 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

~~Section 504 and its accompanying regulations protect otherwise qualified students with disabilities who have physical, mental or health impairments from discrimination because of those impairments. School districts are required to provide these students with the aids, service and accommodations that are designed to meet the educational needs of students with disabilities. These aids, services and accommodations may include, but are not limited to: special transportation, modified equipment, adjustments in the student's roster or the administration of needed modification.~~

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 under the Safe Schools Act **in the school safety and security provisions of School Code.**[\[35\]](#)[\[36\]](#)[\[37\]](#)

The Superintendent **and/or Special Education Supervisor** or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a qualified student with a disability, including a student for whom an evaluation is pending, to the ~~local police department~~ **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 ~~local police department~~ **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 ~~Office of Safe Schools~~ **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 court 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 ~~s/he~~ **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 police **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. ~~Oral complaints shall be documented by the Section 504 building administrator. See attached form AP103.1~~ **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 right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.**

Step 2 - Investigation

~~Upon receiving a complaint under the Policy, the Section 504 building administrator must immediately notify the 504 Coordinator of the complaint. The 504 Coordinator shall assess whether the investigation should be conducted by the building principal, another district employee, the 504 Coordinator or an independent investigator appointed by the school district and shall promptly assign the performance of the investigation to that individual (the "investigator").~~

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 incident **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 ~~the police or child protective services~~ **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, ~~s/he~~ **they** may submit a written appeal to the district's Section 504 Coordinator within ~~twenty (20)~~ **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) ~~school~~ **days**. Copies of the response shall be provided to the complainant, the accused, ~~the Section 504 building administrator~~ and the ~~independent~~ investigator who conducted the initial investigation.

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Legal

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

[103_1Attach-ProceduralSafeguards.doc \(35 KB\)](#)

[103_1Attach-Parent_GuardianRequest-PermissionToEvaluate.doc \(73 KB\)](#)

[103_1Attach-ReportFormComplaints.doc \(28 KB\)](#)

[103_1Attach-District-InitiatedEvalNotice.doc \(29 KB\)](#)



Book	Policy Manual
Section	200 Pupils
Title	Bullying/Cyberbullying
Code	249
Status	Review

Purpose

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

Definitions

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

1. Substantially interfering with a student's education.
2. Creating a threatening environment.
3. Substantially disrupting the orderly operation of the school.

Bullying, as defined in this policy, includes cyberbullying.

School setting means in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school. [\[1\]](#)

Authority

The Board prohibits all forms of bullying by district students. [\[1\]](#)

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

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

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

When a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy.[2][3]

Discrimination/Harassment

Every report of alleged bullying that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination **and harassment** shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer **and Title IX Coordinator**. If, in the course of a bullying investigation, potential issues of discrimination **or harassment** are identified, the Compliance Officer **Title IX Coordinator** shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination **or harassment** as well as the incidents of alleged bullying.[4][5]

Confidentiality

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

Retaliation

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

Delegation of Responsibility

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

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

The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed annually with students.[1]

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the Board.[1]

District administration shall annually provide the following information with the ~~Safe School Report~~ **school safety and security incident report**:[1]

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

Guidelines

The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.[\[1\]](#)[\[6\]](#)[\[7\]](#)

This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district website.[\[1\]](#)

Education

The district may develop, implement and evaluate bullying prevention and intervention programs and activities. Programs and activities shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.[\[1\]](#)[\[8\]](#)[\[9\]](#)
[\[10\]](#)

Consequences for Violations

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:[\[1\]](#)[\[6\]](#)[\[11\]](#)

1. Counseling within the school.
2. Parental conference.
3. Loss of school privileges.
4. Transfer to another school building, classroom or school bus.
5. Exclusion from school-sponsored activities.
6. Detention.
7. Suspension.
8. Expulsion.
9. Counseling/Therapy outside of school.
10. Referral to law enforcement officials.

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- Legal
- [1. 24 P.S. 1303.1-A](#)
 - [2. 24 P.S. 1302-E](#)
 3. Pol. 236.1
 4. Pol. 103
 5. Pol. 103.1
 6. Pol. 218
 - [7. 22 PA Code 12.3](#)
 - [8. 20 U.S.C. 7118](#)
 - [9. 24 P.S. 1302-A](#)
 10. Pol. 236
 11. Pol. 233

Pol. 113.1

[249-Attach 1 Report Form.pdf \(161 KB\)](#)



Book	Policy Manual
Section	100 Programs
Title	Discipline of Students With Disabilities
Code	113.1
Status	Review

Purpose

The district shall develop and implement Positive Behavior Support Plans and programs for students with disabilities who require specific interventions to address behaviors that interfere with learning.[1][2][3]

Students with disabilities who violate the Code of Student Conduct, or engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others, which would typically result in corrective action or discipline of students without disabilities, shall be disciplined in accordance with state and federal laws and regulations and Board policy and, if applicable, their Individualized Education Program (IEP) and **Positive** Behavior Support Plan.[1][4][5][6][7][8]

Definitions

Students with disabilities - school-aged children within the jurisdiction of the district who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services.[2]

Suspensions from school - disciplinary exclusions from school for a period of one (1) to ten (10) consecutive school days.[7][9]

Expulsions from school - disciplinary exclusions from school by the Board for a period exceeding ten (10) consecutive school days and may include permanent exclusion from school.[7][9]

Interim alternative educational settings - removal of a student with a disability from his/her **the student's** current placement. Interim alternative educational settings may be used by school personnel for up to forty-five (45) school days for certain infractions committed by students with disabilities. The IEP team shall determine the interim alternative educational setting; however, this does not constitute a change in placement for a student with a disability.[5][10]

Authority

The Board directs that the district shall comply with provisions and procedural safeguards of the Individuals With Disabilities Education Act (IDEA) and federal and state regulations when disciplining students with disabilities for violations of Board policy or district rules or regulations. No student with a disability shall be subjected to a disciplinary change in placement if the

student's particular misconduct is a manifestation of his/her **the student's** disability. However, under certain circumstances a student with a disability may be placed in an interim alternative educational setting by school personnel or the IEP team could, if appropriate, change the student's educational placement to one which is more restrictive than the placement where the misconduct occurred.[\[4\]](#)[\[5\]](#)[\[10\]](#)

Provision of Education During Disciplinary Exclusions

During any period of expulsion, or suspension from school for more than ten (10) cumulative days in a year, or placement in an interim alternative educational setting for disciplinary reasons, a student with a disability shall continue to receive a free and appropriate **public** education (**FAPE**), in accordance with law.[\[5\]](#)[\[9\]](#)[\[11\]](#)

Guidelines

Suspension From School

A student with a disability may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, for the same reasons and duration as a student without a disability. Such suspension shall not constitute a change in the student's educational placement.[\[4\]](#)[\[5\]](#)[\[9\]](#)[\[10\]](#)[\[12\]](#)

Changes in Educational Placement/Manifestation Determinations

For disciplinary exclusions which constitute a change in educational placement, the district shall first determine whether the student's behavior is a manifestation of his/her **the student's** disability. Expulsion, or exclusion from school for more than fifteen (15) cumulative days in a year, or patterns of suspensions for substantially identical behaviors, constitute changes in educational placements requiring a manifestation determination. For students with intellectual disability, any disciplinary suspension or expulsion is a change in educational placement.[\[4\]](#)[\[5\]](#)

Any proposed change of placement made for disciplinary reasons requires a manifestation determination. Manifestation determinations must be conducted within ten (10) school days of any decision to change the placement of a student with a disability due to a violation of school rules.

A student with a disability whose behavior is not a manifestation of his/her **the student's** disability may be disciplined in accordance with Board policy, district rules and regulations in the same manner and to the same extent as students without disabilities.[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)

Parent/Guardian Appeals From Disciplinary Actions/Request for Hearing by District for Students Who Are a Danger to Themselves or Others

A due process hearing may be requested by a parent/guardian of a student with a disability who disagrees with a disciplinary placement or manifestation determination, or by the district if the district believes that the current placement is substantially likely to result in injury to the student or others. On parent/guardian appeal, or when the district requests a due process hearing, the hearing officer may return the student to the placement from which s/he **the student** was removed or order his/her **the student's** removal to an appropriate interim alternative educational setting for up to forty-five (45) school days if the hearing officer determines that maintaining the ~~child's~~ **student's** current placement is substantially likely to result in an injury to the student or others.[\[10\]](#)[\[13\]](#)

Placement during appeals of disciplinary actions shall be in the interim alternative educational setting pending the decision of the hearing officer or expiration of the time period set for the disciplinary exclusion from the student's regular placement unless the district and the parent/guardian agree otherwise.[\[10\]](#)[\[14\]](#)

Students Not Identified as Disabled/Pending Evaluation

Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the district did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation shall be expedited.[10][15]

Administrative Removal to Interim Alternative Educational Setting for Certain Infractions

School personnel may remove a student with a disability, including intellectual disability, to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student:[5][10]

1. Carries a weapon to or possesses a weapon at school, on school property, or at school functions under the jurisdiction of the district. For purposes of this provision, **weapon** is defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half (2 ½) inches in length.[5][10][16][17]
2. Knowingly possesses or uses illegal drugs, as defined by law, or sells or solicits the sale of a controlled substance, as defined by law, while at school, on school property, or at school functions under the jurisdiction of the district.[5][10][18][19]
3. Has inflicted serious bodily injury upon another person while at school, on school property, or at school functions under the jurisdiction of the district. For purposes of this provision, **serious bodily injury** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.[5][10][20]

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.[21][22][23]

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 student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies. The Superintendent or designee shall respond to such incidents in accordance with the district's Special Education Plan and, if applicable, the procedures, methods and techniques defined in the student's **Positive** Behavior Support Plan.[1][2][3][6][10][17][19][22][24][25][26][27][28][29][30][31][32][33][34][35]

For a student with a disability who does not have a **Positive** Behavior Support Plan, subsequent to notification to law enforcement, the district shall convene the student's IEP team to consider whether a **Positive** Behavior Support Plan should be developed to address the student's behavior, in accordance with law, regulations and Board policies.[1][3][27][32]

When reporting an incident committed by a student with a disability to the appropriate authorities, the district shall provide the information required by state and federal laws and regulations and shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by these authorities. The district shall ~~transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act~~ **ensure compliance with the Family Educational Rights and Privacy Act when transmitting copies of the student's special education and disciplinary records.**[\[10\]](#)[\[22\]](#)[\[25\]](#)[\[26\]](#)[\[27\]](#)[\[30\]](#)[\[35\]](#)[\[36\]](#)[\[37\]](#)[\[38\]](#)[\[39\]](#)

In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by 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.[\[21\]](#)[\[35\]](#)

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Legal

- [1. 22 PA Code 14.133](#)
2. Pol. 113
3. Pol. 113.2
- [4. 22 PA Code 14.143](#)
- [5. 34 CFR 300.530](#)
6. Pol. 218
7. Pol. 233
8. Pol. 832
- [9. 22 PA Code 12.6](#)
- [10. 20 U.S.C. 1415](#)
- [11. 20 U.S.C. 1412](#)
- [12. 34 CFR 300.536](#)
- [13. 34 CFR 300.532](#)
- [14. 34 CFR 300.533](#)
- [15. 34 CFR 300.534](#)
- [16. 18 U.S.C. 930](#)
17. Pol. 218.1
- [18. 21 U.S.C. 812](#)
19. Pol. 227
- [20. 18 U.S.C. 1365](#)
- [21. 24 P.S. 1303-A](#)
- [22. 22 PA Code 10.2](#)
- [23. 35 P.S. 780-102](#)
- [24. 24 P.S. 1302.1-A](#)
- [25. 22 PA Code 10.21](#)
- [26. 22 PA Code 10.22](#)

[27. 22 PA Code 10.23](#)

[28. 22 PA Code 10.25](#)

[29. 22 PA Code 14.104](#)

[30. 34 CFR 300.535](#)

31. Pol. 103.1

32. Pol. 113.3

33. Pol. 218.2

34. Pol. 222

35. Pol. 805.1

[36. 20 U.S.C. 1232g](#)

[37. 34 CFR Part 99](#)

38. Pol. 113.4

39. Pol. 216

[24 P.S. 510](#)

[20 U.S.C. 1400 et seq](#)

[34 CFR Part 300](#)