



Book	Policy Manual
Section	100 Programs
Title	Discrimination/Harassment Affecting Students
Code	103
Status	First Reading

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 **sex-based discrimination and** harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the **Office for** Civil Rights of the U.S. Department of Education, or both.

The district is committed to the maintenance of a safe, positive learning environment for all students that is free from discrimination by providing all students **admission**, course offerings, counseling, assistance, services, employment, athletics and extracurricular activities without any form of discrimination, including Title IX **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 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 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 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

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 **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, but is not limited to, academic, extracurricular, research, occupational training and other education programs and activities of the district. 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 nondisciplinary, 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, 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 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. **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 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 [\[37\]](#)

{X} Superintendent as the district's Compliance Officer and Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at:

Address: SWASD Superintendent, 515 West Central Ave. South Williamsport, PA 17702

Email: swasd@swasd.org

Phone Number: 570-327-1581

{ } _____ as the district's Compliance Officer and
_____ as the district's Title IX Coordinator.

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 **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 **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/**Complaints** – Monitor and provide technical assistance to individuals involved in managing **reports and 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 **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.**[\[32\]](#)[\[34\]](#)[\[44\]](#)[\[45\]](#)[\[46\]](#)

The Board requires a notice stating that the district does not discriminate in any manner, including Title IX **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 **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 **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 **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, **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 **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 **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 **law enforcement** or child protective services reports required by law.[\[31\]](#)[\[47\]](#)[\[48\]](#)

If the **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 **Superintendent or designee**.

The complainant or the individual making the report may use the Discrimination/**Harassment/Bullying/Hazing/Dating Violence/Retaliation** Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, **oral** reports

of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

The building principal shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX **sex-based discrimination and** harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures **and reasonable safety concerns.**[31]

The Title IX Coordinator shall conduct an assessment to determine whether the reported **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 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 **Sex-Based Discrimination or Harassment**

When a report alleges Title IX **sex-based discrimination or** harassment, disciplinary sanctions may not be imposed until the completion of the grievance **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 **procedures.**[32]

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 **procedures**. Following the issuance of the **determination** and any applicable appeal, any disciplinary action specified in the **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 **sex-based discrimination or harassment**, shall be handled in accordance with applicable law, regulations, **Board policy and procedures**, 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][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 **complaint of conduct that may constitute** discrimination or retaliation, including Title IX **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 Sex-Based Discrimination and Harassment Training Requirements

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. {X} 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.**

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 **whose conduct** is determined to be 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. {X} Loss of school privileges.
2. {X} Permanent transfer to another school building, classroom or school bus.
3. {X} Exclusion from school-sponsored **and extracurricular** activities.
4. {X} Detention.
5. {X} Suspension.
6. {X} Expulsion.
7. {X} 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

[Use the first two (2) options if the district decides to maintain separate complaint and grievance procedures for Title IX complaints and complaints addressing other types of discrimination. Use the third option if the district decides to maintain a single set of grievance procedures that aligns with the more prescriptive requirements of Title IX for all complaints of discrimination.]

{X} Reports of Discrimination –

{X} Any reports of discrimination that are reviewed by the Title IX Coordinator and do **not** meet the definition of Title IX **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 **be handled in accordance with** the Discrimination Complaint Procedures **attached** to this policy.

{X} Reports of Title IX Sex-Based Discrimination or Harassment –

{ } Any reports deemed by the Title IX Coordinator to meet the definition of **sex-based discrimination or** harassment under Title IX shall **be handled in accordance with the Grievance Procedures attached** to this policy.[\[32\]](#)

{X} All reports of discrimination or Title IX sex-based discrimination or harassment shall be handled in accordance with the Grievance 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-Confidentiality Template Letter.docx \(29 KB\)](#)



Book	Policy Manual
Section	100 Programs
Title	Nondiscrimination - Qualified Students With Disabilities
Code	103.1
Status	First Reading

Authority

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

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

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

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

Confidentiality

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

Retaliation

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

Definitions

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

Section 504 Team - a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors, psychologists, school nurses, outside care providers and the student's parents/guardians.[4][9]

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

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

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable law and regulations, the Board designates the[14]

{X} Superintendent

{ } Assistant Superintendent

{ } _____ (other, specify)

as the district's Section 504 Coordinator.

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

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

Guidelines

Identification and Evaluation

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

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

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

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

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

1. Have been validated and are administered by trained personnel.
2. Are tailored to assess educational need and are not based solely on IQ scores.
3. Reflect aptitude or achievement or anything else the tests purport to measure and do not reflect the student's impaired sensory, manual or speaking skills (except where those skills are what is being measured).

Service Agreement

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

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

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

Educational Programs/Nonacademic Services/Extracurricular Activities

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

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

Parental Involvement

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

Confidentiality of Student Records

All personally identifiable information regarding a qualified student with a disability shall be treated as confidential and disclosed only as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, state regulations and Board policy.[29][30][31][32]

Discipline

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

Referral to Law Enforcement and Reporting Requirements

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

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

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

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

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

PROCEDURAL SAFEGUARDS

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

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

Parental Request for Assistance

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

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

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

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

Informal Conference

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

Formal Due Process Hearing

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

Judicial Appeals

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

COMPLAINT PROCEDURE

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

Step 1 – Reporting

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

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

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

The complainant or reporting employee may be encouraged to use the district's report form, available from the Section 504 building administrator or Section 504 Coordinator, or to put the complaint in writing; however, oral complaints shall be accepted, documented and the procedures of this policy implemented. The person accepting the **oral** or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the 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

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

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

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

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

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

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

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

Step 3 – Investigative Report

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

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

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

Step 4 – District Action

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

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

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

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, **they** may submit a written appeal to the district's Section 504 Coordinator within fifteen (15) days.
2. The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.
3. The Section 504 Coordinator shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

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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-ReportFormComplaints.doc \(28 KB\)](#)

[103_1Attach-Parent_GuardianRequest-PermissionToEvaluate.doc \(56 KB\)](#)

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



Book	Policy Manual
Section	200 Pupils
Title	Pregnant/Parenting/Married Students
Code	234
Status	First Reading

Purpose

A student who is eligible to attend district schools and is married and/or pregnant/parenting shall not be denied **admission to the district** or an educational program solely because of marriage, pregnancy, pregnancy-related **conditions** or potential or actual parenthood.[1][2][3][4][5][6][7]

Definitions

Pregnancy or related conditions, as defined in federal law, shall mean:[5][8]

- 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.[9]

Authority

The Board directs that students who are married or experiencing pregnancy, pregnancy-related conditions or parenting shall have equal access to the same educational programs, activities and services provided to other district students.[2][4][5]

When a student, parent/guardian of a student or other individual with a legal right to act on behalf of the student informs a district employee of the student's pregnancy or related conditions, the employee shall promptly notify that individual of the Title IX Coordinator's contact information and inform the individual that the Title IX Coordinator may coordinate specific steps to prevent discrimination and provide equal access to the district's educational programs, activities and services. The employee shall document this notification.[4][5][10][11]

The Board directs the Title IX Coordinator and district staff to make reasonable modifications to Board policies, administrative regulations and school rules as necessary to provide equal access to the district's educational program for a student experiencing pregnancy, pregnancy-related conditions or parenting, when the student, parent/guardian of the student or other individual with a legal right to act on behalf of the student informs the Title IX Coordinator of the student's pregnancy or related conditions. Reasonable modifications must be based on the student's individualized needs, and shall be determined in consultation with the student. Reasonable modifications may include, but are not limited to:[4][12]

- 1. Breaks during class to address lactation needs or health needs, including eating, drinking and restroom use.**
- 2. Intermittent absences to attend medical appointments, in accordance with Board policy.[13]**
- 3. Voluntary leave of absence as deemed medically necessary by the student's licensed healthcare provider.[13]**
- 4. Access to online or homebound instruction, or other separate but comparable program of the district's educational programs and activities.[14][15]**
- 5. Changes in schedule or course sequence.**
- 6. Extensions of time for coursework or rescheduling of tests and examinations.**
- 7. Allowing the student flexibility in sitting and standing, and changes in physical space or supplies, including carrying water.**
- 8. Access to appropriate facilities for addressing lactation needs.**
- 9. Counseling.**

The district shall not require documentation for establishing reasonable modifications or providing equal access to educational programs and activities unless such documentation is required in accordance with law or other Board policies and administrative regulations.[5][12][13][14][16]

Delegation of Responsibility

The Title IX Coordinator shall coordinate with the student, parent/guardian of the student or other individual with a legal right to act on behalf of the student to determine when reasonable modifications need to be adjusted or are no longer necessary.

The Title IX Coordinator shall inform the student and the individual who provided notification regarding a student's pregnancy, if applicable, of the district's responsibilities and Board policy regarding nondiscrimination.[4][5]

The Superintendent or designee shall develop administrative regulations for implementing this policy.

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Legal

[1. 24 P.S. 1326](#)

[2. 22 PA Code 12.1](#)

- [3. 34 CFR 106.21](#)
- [4. 34 CFR 106.40](#)
- 5. Pol. 103
- 6. Pol. 200
- 7. Pol. 201
- [8. 34 CFR 106.2](#)
- [9. 16 PA Code 41.204](#)
- 10. Pol. 113.4
- 11. Pol. 216
- 12. Pol. 103.1
- 13. Pol. 204
- 14. Pol. 117
- 15. Pol. 124
- 16. Pol. 123
- [43 P.S. 951 et seq](#)
- [16 PA Code 41.201 et seq](#)
- [22 PA Code 4.4](#)
- [22 PA Code 12.4](#)
- [20 U.S.C. 1232g](#)
- [20 U.S.C. 1681 et seq](#)
- [29 U.S.C. 794](#)
- [34 CFR Part 106](#)
- [34 CFR Part 99](#)
- Pol. 146



Book	Policy Manual
Section	200 Pupils
Title	Hazing
Code	247
Status	First Reading

Purpose

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

Definitions

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

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

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

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

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

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

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

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

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

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

Authority

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

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

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

Discrimination/Harassment

Every report of alleged hazing that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination **or 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 hazing investigation, potential issues of discrimination **or harassment** are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination **or harassment** as well as the incidents of alleged hazing.[11][12]

Delegation of Responsibility

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

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.[13][14]

Guidelines

In addition to posting this policy on the district's publicly accessible website, the district shall inform students, parents/guardians, sponsors, volunteers and district employees of the district's policy prohibiting hazing, including district rules, penalties for violations of the policy and the program established by the district for enforcement of the policy by means of [4]

- { } distribution of written policy
- {X} publication in handbooks
- { } presentation at an assembly
- {X} verbal instructions by the coach or sponsor at the start of the season or program
- { } posting of notice/signs.

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

Complaint Procedure

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

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

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

Interim Measures/Law Enforcement

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

Those receiving the initial report and conducting or overseeing the investigation will assess whether the complaint, if proven, would constitute hazing, aggravated hazing or organizational hazing and shall report it to **law enforcement** consistent with district practice and, as appropriate, consult with legal counsel about whether to report the matter to **law enforcement** at every stage of the proceeding. The decision to report a matter to **law enforcement** should not involve an analysis by district personnel of whether safe harbor provisions might apply to the person being reported, but information on the facts can be shared with **law enforcement** in this regard.[15]

*Referral to Law Enforcement and **School Safety and Security Incident Reporting** –*

For purposes of reporting hazing incidents to law enforcement in accordance with **school safety and security** reporting, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use or sale of alcohol or tobacco **products**; or conduct that constitutes an offense listed **in the school safety and security provisions of School Code.**[16][17][18]

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 **law enforcement agency** that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Board policies.[16][17][19][20][21][22]

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 **law enforcement agency** that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[17][22][23]

In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the **PA Department of Education** on the required form.[16][19][22]

Confidentiality

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

Retaliation

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

Consequences for Violations

Safe Harbor –

An individual needing medical attention or seeking medical attention for another shall not be subject to criminal prosecution if the individual complies with the requirements under law, subject to the limitations set forth in law.[15]

Students –

If the investigation results in a substantiated finding of hazing, the investigator shall recommend appropriate disciplinary action up to and including expulsion, as circumstances warrant, in accordance with the Code of Student Conduct. The student may also be subject to disciplinary action by the coach or sponsor, up to and including removal from the activity or organization. The fact of whether a student qualified for and received safe harbor under a criminal investigation shall be considered in assigning discipline.[4][7][15][24][25]

{ } In addition to other authorized discipline, building principals shall have the authority, after providing the student or students an informal hearing, to impose a fine of up to[4][24]

{ } Fifty dollars (\$50)

{ } ____ dollars (\$____)

on each student determined to have engaged in hazing in violation of this policy.

{ } When recommended disciplinary action results in a formal hearing before the Board, in addition to other authorized disciplinary consequences, the Board may also impose a fine of up to [\[4\]](#)[\[25\]](#)

{ } One hundred fifty dollars (\$150)

{ } ____ dollars (\$____)

on each student determined to have engaged in hazing in violation of this policy.

{ } When fines have not been paid, the Superintendent shall have the authority to direct that student diplomas and/or transcripts be withheld until payment in full is made or a payment plan is agreed upon. In cases of economic hardship, the Superintendent shall consider whether diplomas and/or transcripts should be released despite an unpaid fine.[\[4\]](#)

Nonstudent Violators/Organizational Hazing -

If the investigation results in a substantiated finding that a coach, sponsor or volunteer affiliated with the student activity or organization engaged in, condoned or ignored any violation of this policy, the coach, sponsor or volunteer shall be disciplined in accordance with Board policy and applicable laws and regulations. Discipline could include, but is not limited to, dismissal from the position as coach, sponsor or volunteer, and/or dismissal from district employment.[\[26\]](#)

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

Criminal Prosecution -

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

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Legal	1. 18 Pa. C.S.A. 2802
	2. 18 Pa. C.S.A. 2803
	3. 18 Pa. C.S.A. 2804
	4. 18 Pa. C.S.A. 2808
	5. 18 Pa. C.S.A. 2806
	6. 18 Pa. C.S.A. 2801
	7. 24 P.S. 511
	8. 18 Pa. C.S.A. 2301
	9. Pol. 122
	10. Pol. 123
	11. Pol. 103
	12. Pol. 103.1
	13. 24 P.S. 1302-E

14. Pol. 236.1

[15. 18 Pa. C.S.A. 2810](#)

[16. 24 P.S. 1319-B](#)

[17. 22 PA Code 10.2](#)

[18. 35 P.S. 780-102](#)

[19. 24 P.S. 1306.2-B](#)

[20. 22 PA Code 10.21](#)

[21. 22 PA Code 10.22](#)

22. Pol. 805.1

[23. 22 PA Code 10.25](#)

24. Pol. 218

25. Pol. 233

26. Pol. 317

[18 Pa. C.S.A. 2801 et seq](#)

[22 PA Code 10.23](#)

Pol. 113.1

Pol. 916



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

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 **or 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 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 **school safety and security incident report**:[1][6]

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][7][8]}

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

{X} may

{ } shall

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][9][10][11]}

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][7][12]}

1. {X} Counseling within the school.
2. {X} Parental conference.
3. {X} Loss of school privileges.
4. {X} Transfer to another school building, classroom or school bus.
5. {X} Exclusion from school-sponsored activities.
6. {X} Detention.
7. {X} Suspension.
8. {X} Expulsion.
9. {X} Counseling/Therapy outside of school.
10. {X} 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. 805.1
	7. Pol. 218
	8. 22 PA Code 12.3

[9. 20 U.S.C. 7118](#)

[10. 24 P.S. 1302-A](#)

11. Pol. 236

12. Pol. 233

Pol. 113.1



Book	Policy Manual
Section	200 Pupils
Title	Dating Violence
Code	252
Status	First Reading

Purpose

The purpose of this policy is to maintain a safe, positive learning environment for all students that is free from dating violence. Dating violence is inconsistent with the educational goals of the district and is prohibited at all times.

Definitions

Dating partner shall mean a person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long-term.[1]

Dating violence shall mean behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner.[1]

Authority

The Board encourages students who have been subjected to dating violence to promptly report such incidents.

The district shall investigate promptly all complaints of dating violence and shall administer appropriate discipline to any student who violates this policy.[2]

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.[3][4]

Discrimination/Harassment

Every report of alleged dating violence that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination **or 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 dating violence investigation, potential issues of discrimination **or harassment** are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination **or harassment** as well as the incidents of alleged dating violence.[5][6]

Discipline 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 requirements established by state law and Board policy.[7][8]

Guidelines

Complaint Procedure

When a student believes that they have been subject to dating violence, the student is encouraged to promptly report the incident, orally or in writing, to the

- {X} building principal.
- { } guidance counselor.
- { } classroom teacher.

The building principal shall conduct a timely, impartial, and comprehensive investigation of the alleged dating violence.

The building principal shall prepare a written report summarizing the investigation and recommending disposition of the complaint. The complainant and the accused shall be informed of the outcome of the investigation.[1]

If the investigation results in a substantiated finding of dating violence, the building principal shall recommend appropriate disciplinary action, as circumstances warrant, in accordance with the Code of Student Conduct.[1][2]

The district shall document the corrective action taken and, where not prohibited by law, inform the complainant.

This policy on dating violence shall be:[1]

1. Published in the Code of Student Conduct.
2. Published in the Student Handbook.
3. Made available on the district's website, if available.
4. Provided to parents/guardians.

Dating Violence Training

The district may provide dating violence training to guidance counselors, nurses, and mental health staff at the high school as deemed necessary. At the discretion of the Superintendent, parents/guardians and other staff may also receive training on dating violence.[1]

Dating Violence Education

The district may incorporate age-appropriate dating violence education into the annual health curriculum framework for students in grades nine through twelve. The district shall consult with at least one (1) local domestic violence program or rape crisis program when developing the educational program.[1][9]

A parent/guardian of a student under the age of eighteen (18) shall be permitted to examine the instructional materials for the dating violence education program.[\[1\]](#)[10]

At the request of the parent/guardian, the student may be excused from all or part of the dating violence education program.[\[1\]](#)[11]

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Legal

[1. 24 P.S. 1553](#)

2. Pol. 218

[3. 24 P.S. 1302-E](#)

4. Pol. 236.1

5. Pol. 103

6. Pol. 103.1

7. Pol. 218.3

[8. 24 P.S. 1318.1](#)

[9. 71 P.S. 611.13](#)

10. Pol. 105.1

11. Pol. 105.2

[22 PA Code 12.12](#)

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



Book	Policy Manual
Section	300 Employees
Title	Personal Necessity Leave
Code	336
Status	First Reading

Authority

This policy shall provide for absences for defined personal necessity leave by administrative, professional and support employees.

The Board has the authority to specify reasonable conditions under which personal necessity leave may be granted, the type of situations in which such leave will be permitted and the total number of days that may be used by an employee in any school year for such leave.[\[1\]](#)[\[2\]](#)[\[3\]](#)

Guidelines

Personal Leave

{ } The total number of days granted for personal leave in any school year may not exceed _____.

{ } Requests for personal leave shall be made at least _____ day(s) in advance to the

{ } immediate supervisor.

{ } Superintendent.

{ } Personnel Director.

{ } The requirement for advanced notice may be waived in qualifying circumstances, as determined by the Superintendent or designee, or in accordance with applicable law and regulations.[\[3\]](#)[\[4\]](#)

{X} Personal leave days with pay shall be granted to district employees in accordance with applicable provisions of the administrative compensation plan, individual contract, collective bargaining agreement or Board resolution.

Bereavement Leave

{X} Bereavement leave with pay shall be granted to district employees in accordance with law, applicable provisions of the administrative compensation plan, individual contract, collective bargaining agreement or Board resolution. [\[2\]](#)

When a professional, temporary professional, administrative, or confidential employee is absent from duty because of a death in the immediate family, there shall be no deduction in salary in accordance with the guidelines below:

- One (1) day for the death of a near relative (first cousin, aunt, uncle, niece, nephew). If the funeral is on a weekend, the (1) day may be used on the previous Friday or the following Monday.[\[1\]](#)
- Three (3) days for the death of a member of the immediate family/step-family (sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandmother, grandfather, daughter-in-law, son-in-law, grandchild, any person with whom the employee makes his/her home or any relative who resides in the same household). The three (3) days must be consecutive unless otherwise approved by the Superintendent.[\[1\]](#)
- Five (5) days for the death of a daughter, son, mother, father, spouse, or domestic partner. The five (5) days must be consecutive unless otherwise approved by the Superintendent.[\[1\]](#)

Where one (1) day is granted, it is implied that it must coincide with the funeral date.

The bereavement days must be taken consistent with the dates of death and burial. If bereavement leave is not specified in other employment agreements, it shall follow the guidelines described above. Exceptions for unusual circumstances may be granted by the Superintendent upon request by the employee. A deduction in salary will occur if bereavement exceeds the number of days allowed as outlined above.

NOTES:

Military Leave – SC 1176-1181
51 Pa. C.S.A. Sec. 4102, 7309
38 U.S.C. Sec. 4301 et seq.

(51 Pa. C.S.A. Sec. 7301-7308 does not apply to school district employees) See Stuart Knade's white paper on military leave for guidance - located in P-Policy Documents under Scanned Sample Info.

SC 1154 adds grandchild to the definition of near relative only for professional and temporary professional employees, unless otherwise provided in an ACP, CBA or individual contract.

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Legal

[1. 24 P.S. 510](#)

[2. 24 P.S. 1154](#)

3. Pol. 104

[4. 29 CFR 1636.4](#)

[20 U.S.C. 1681 et seq](#)

[42 U.S.C. 12101 et seq](#)

[34 CFR Part 106](#)

[29 CFR Part 1636](#)



Book	Policy Manual
Section	300 Employees
Title	Educator Misconduct
Code	317.1
Status	First Reading

Purpose

The Board adopts this policy to promote the integrity of the education profession and to create a climate within district schools that fosters ethical conduct and practice.

Authority

The Board requires certificated district employees to comply with the Code of Professional Practice and Conduct and the requirements of the Educator Discipline Act.[\[1\]](#)[\[2\]](#)

Definitions

Educator - shall mean a person who holds a certificate.[\[3\]](#)

Certificate - shall mean any Commonwealth of Pennsylvania certificate, commission, letter of eligibility or permit issued under the School Code.[\[3\]](#)

Sexual Abuse or Exploitation - shall mean any of the following:[\[4\]](#)

1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:
 - a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
 - b. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
 - c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
 - d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.
2. Any of the following offenses committed against a child: rape; statutory sexual assault; involuntary deviate sexual intercourse; sexual assault; institutional sexual assault;

aggravated indecent assault; indecent assault; indecent exposure; incest; prostitution; sexual abuse; unlawful contact with a minor; or sexual exploitation.

Sexual Misconduct - any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student, such acts include but are not limited to:[3]

1. Sexual or romantic invitation.
2. Dating or soliciting dates.
3. Engaging in sexualized or romantic dialog.
4. Making sexually suggestive comments.
5. Self-disclosure or physical disclosure of a sexual or erotic nature.
6. Any sexual, indecent, romantic or erotic contact with a child or student.

Delegation of Responsibility

Duty to Report

The Superintendent or designee shall report to the Pennsylvania Department of Education on the required form, within fifteen (15) days of receipt of notice from an educator or discovery of the incident, any educator:[5]

1. Who has been provided with notice of intent to dismiss or remove for cause, notice of nonrenewal for cause, notice of removal from eligibility lists for cause, or notice of intent not to reemploy for cause.
2. Who has been arrested or indicted for, or convicted of any crime that is graded a misdemeanor or felony.
3. Against whom there are any allegations of sexual misconduct or sexual abuse or exploitation involving a child or student.
4. Where there is reasonable cause to suspect that s/he has caused physical injury to a child or student as the result of negligence or malice.
5. Who has resigned or retired or otherwise separated from employment after a school entity has received information of alleged misconduct under the Educator Discipline Act.
6. Who is the subject of a report filed by the school entity under 23 Pa. C.S. Ch. 63 (relating to child protective services).[6]
7. Who the school entity knows to have been named as a perpetrator of an indicated or founded report under 23 Pa. C.S. Ch. 63.

An educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Superintendent and his/her immediate supervisor, within fifteen (15) days of discovery of such misconduct.[5]

All reports submitted to the Pennsylvania Department of Education shall include an inventory of all information, including: documentary and physical evidence in possession or control of the school relating to the misconduct resulting in the report.[5]

An educator who is arrested or convicted of a crime shall report the arrest or conviction to the Superintendent or designee, within seventy-two (72) hours of the occurrence, in the manner prescribed in Board policy.[5][7][8]

Failure to comply with the reporting requirements may result in professional disciplinary action.
[9]

Guidelines

Investigation

School officials shall cooperate with the Pennsylvania Department of Education during its review, investigation, or prosecution, and shall promptly provide the Pennsylvania Department of Education with any relevant information and documentary and physical evidence upon request.
[10]

Upon receipt of notification in writing from the Pennsylvania Department of Education, the Superintendent or designee shall investigate the allegations of misconduct as directed by the Department and may pursue its own disciplinary procedure as established by law or by collective bargaining agreement.[10]

Within ninety (90) days of receipt of notification from the Pennsylvania Department of Education directing the school district to conduct an investigation (extensions may be requested), the Superintendent or designee shall report to the Department the outcome of its investigation and whether it will pursue local employment action. The Superintendent or designee may make a recommendation to the Department concerning discipline. If the district makes a recommendation concerning discipline, it shall notify the educator of such recommendation.[10]

Discrimination/Harassment

Whenever the allegations underlying a report of educator misconduct include conduct that appears to constitute harassment or other discrimination, including Title IX **sex-based discrimination or** harassment, subject to policies and procedures specific to such conduct, the Title IX Coordinator shall be promptly notified and shall respond to such allegations as provided in the applicable Board policies. Whenever an investigation by the district of educator misconduct reveals indications of conduct by any person that appears to constitute harassment or other discrimination, including Title IX **sex-based discrimination or** harassment, the Title IX Coordinator shall be promptly notified and shall respond to such allegations as provided in policies specific to such **conduct**. To the extent feasible, investigations shall be conducted jointly with investigations by the district of educator misconduct.[11][12]

Confidentiality Agreements

The district shall not enter into confidentiality or other agreements that interfere with the mandatory reporting requirement.[10]

Confidentiality

Except as otherwise provided in the Educator Discipline Act, all information related to any complaint, any complainant, or any proceeding related to discipline under the Educator Discipline Act shall remain confidential unless or until public discipline is imposed.[13]

Immunity

Any person who, in good faith, files a complaint or report, or who provides information or cooperates with the Pennsylvania Department of Education or Professional Standards and Practices Commission in an investigation or proceeding shall be immune from civil liability. The district also is immune from civil liability for the disclosure of information about the professional conduct of a former or current employee to a prospective employer of that employee.[\[14\]](#)

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Legal

[1. 22 PA Code 235.1 et seq](#)

[2. 24 P.S. 2070.1a](#)

[3. 24 P.S. 2070.1b](#)

[4. 23 Pa. C.S.A. 6303](#)

[5. 24 P.S. 2070.9a](#)

6. Pol. 806

[7. 24 P.S. 111](#)

8. Pol. 317

[9. 24 P.S. 2070.9c](#)

[10. 24 P.S. 2070.11](#)

11. Pol. 103

12. Pol. 104

[13. 24 P.S. 2070.17b](#)

[14. 24 P.S. 2070.17a](#)

[23 Pa. C.S.A. 6301 et seq](#)

[24 P.S. 2070.1a et seq](#)



Book	Policy Manual
Section	800 Operations
Title	Maintaining Professional Adult/Student Boundaries
Code	824
Status	First Reading

Authority

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

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

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

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

Definition

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

Delegation of Responsibility

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

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

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

Guidelines

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

Prohibited Conduct

Romantic or Sexual Relationships -

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

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

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

Social Interactions -

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

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

1. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students.
2. Exchanging notes, emails or other communications of a personal nature with a student.
3. Giving personal gifts, cards or letters to a student without written approval from the building principal.

4. Touching students without a legitimate educational reason. (Reasons could include the need for assistance when injured, a kindergartner having a toileting accident and requiring assistance, appropriate coaching instruction or appropriate music instruction).
5. Singling out a particular student or students for personal attention or friendship beyond the ordinary professional adult-student relationship.
6. Taking a student out of class without a legitimate educational reason.
7. Being alone with a student behind closed doors without a legitimate educational reason.
8. Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason.
9. Sending or accompanying a student on personal errands.
10. Inviting a student to the adult's home.
11. Going to a student's home without a legitimate educational reason.
12. Taking a student on outings without prior notification to and approval from both the parent/guardian and the building principal.
13. Giving a student a ride alone in a vehicle in a nonemergency situation without prior notification to and approval from both the parent/guardian and the building principal.
14. Addressing students or permitting students to address adults with personalized terms of endearment, pet names or otherwise in an overly familiar manner.
15. Telling a student personal secrets, sharing personal secrets with a student **or asking students to keep any conversation, gift or activity a secret.**
16. For adults who are not guidance/counseling staff, psychologists, social workers or other adults with designated responsibilities to counsel students, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, the student should be referred to the appropriate school resource.
17. Furnishing alcohol, drugs or tobacco to a student or being present where any student is consuming these substances.
18. Engaging in harassing or discriminatory conduct prohibited by other district policies or by state or federal law and regulations.[5][6]

Electronic Communications -

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

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

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

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

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

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

Exceptions

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

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

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

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

Reporting Inappropriate or Suspicious Conduct

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

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

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

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

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

Investigation

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

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

Disciplinary Action

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

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

Training

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

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

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Legal [1. 24 P.S. 510](#)

2. Pol. 818

[3. 18 Pa. C.S.A. 3124.2](#)

[4. 24 P.S. 2070.9f](#)

5. Pol. 103

6. Pol. 103.1

7. Pol. 815

8. Pol. 104

[9. 23 Pa. C.S.A. 6311](#)

10. Pol. 806

[11. 24 P.S. 2070.9a](#)

12. Pol. 317.1

[13. 24 P.S. 1306.2-B](#)

[14. 24 P.S. 1319-B](#)

[15. 22 PA Code 10.2](#)

[16. 22 PA Code 10.21](#)

[17. 22 PA Code 10.22](#)

18. Pol. 805.1

19. Pol. 317

20. Pol. 113.1

21. Pol. 218

22. Pol. 233

[24 P.S. 2070.1a et seq](#)

[22 PA Code 235.1 et seq](#)

[23 Pa. C.S.A. 6301 et seq](#)