



PROPOSED AGENDA ITEM

MEETING DATE: February 28, 2013

SUBJECT: Policy update-#103

SUBMITTED BY: Marcia D. Jones

DESCRIPTION: The previous version of Policy #103 listed the Business Manager as the Compliance Officer. Because the duties of the Compliance Officer are more aligned with the human resource function, it is recommended that the Compliance Officer be changed to the Coordinator for Quality and Human Resources. This policy update also includes some minor changes recommended by PSBA including updated legal citations and a slight language change regarding the complainant and accused being informed of the outcome of the investigation.

RECOMMENDATION: Motion to approve the updates to Policy #103-Nondiscrimination in School and Classroom Practices



SECTION: PROGRAMS

TITLE: NONDISCRIMINATION IN
SCHOOL (CENTER) AND
CLASSROOM PRACTICES

ADOPTED: December 19, 1996

REVISED: February 28, 2013

1. Authority SC 1310 Title 22 Sec. 4.4, 12.1, 12.4, 15.1 et seq 24 P.S. Sec. 5004 43 P.S. Sec. 951 et seq Title IX 20 U.S.C. Sec. 1681 et seq 20 U.S.C. Sec. 6321 29 U.S.C. Sec. 794 Title VI 42 U.S.C. Sec. 2000d et seq 42 U.S.C. Sec. 12101 et seq	103. NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES The Joint Operating Committee declares it to be the policy of the school to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability. The school shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities. The school shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations. The Joint Operating Committee encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees. The Joint Operating Committee directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the school's legal and investigative obligations. No reprisals nor retaliation shall occur as a result of good faith charges of discrimination. In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Joint Operating Committee designates the Coordinator of Quality and Human Resources as the school's Compliance Officer. The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer. The Compliance Officer is responsible to monitor the implementation of
2. Delegation of Responsibility	

3. Guidelines	nondiscrimination procedures in the following areas: 1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias. 2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination. 3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation. 4. Equitable Support - Assurance that like aspects of the vocational technical program receive like support as to staffing and compensation, facilities, equipment, and related matters. 5. Student Evaluation - Review of tests, procedures and guidance and counseling materials for stereotyping and discrimination. The building administrator shall be responsible to complete the following duties when receiving a complaint of discrimination: 1. Inform the student or third party of the right to file a complaint and the complaint procedure. 2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure. 3. Notify the complainant and the accused of the progress at appropriate stages of the procedure. 4. Refer the complainant to the Compliance Officer if the building administrator is the subject of the complaint. <u>Complaint Procedure – Student/Third Party</u> Step 1 – Reporting A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building administrator. An employee of the school who suspects or is notified that a student has been subject
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	to conduct that constitutes a violation of this policy shall immediately report the incident to the building administrator. If the building administrator is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer. The complainant or reporting employee is encouraged to use the report form available from the building administrator, but oral complaints shall be acceptable. Step 2 – Investigation Upon receiving a complaint of discrimination, the building administrator shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building administrator to investigate the complaint, unless the building administrator is the subject of the complaint or is unable to conduct the investigation. The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation. If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the building administrator shall inform law enforcement authorities about the incident. Step 3 – Investigative Report The building administrator shall prepare and submit a written report to the Compliance Officer within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint. The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition. Step 4 – Action Of School If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the school shall take prompt, corrective action to ensure that such conduct ceases and will not recur. School staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. Disciplinary actions shall be consistent with the Code of Student Conduct, Joint
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	Operating Committee policies and school procedures, applicable collective bargaining agreements, and state and federal laws. <u>Appeal Procedure</u> 1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days. 2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation. References: School Code – 24 P.S. Sec. 1310 State Board of Education Regulations – 22 PA Code Sec. 4.4, 12.1, 12.4, 15.1 et seq. Unfair Educational Practices – 24 P.S. Sec. 5004 Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq. No Child Left Behind Act – 20 U.S.C. Sec. 6321 Section 504 of the Rehabilitation Act – 29 U.S.C. Sec. 794 Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq. Federal Anti-Discrimination and Civil Rights Laws – 20 U.S.C. Sec. 1681 et seq. (Title IX) 42 U.S.C. Sec. 2000d et seq. (Title VI) Federal Anti-Discrimination and Civil Rights Regulations – 28 CFR Part 35, Part 41 34 CFR Part 100, Part 104, Part 106, Part 110
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	Joint Operating Committee Policy – 000, 701, 906 PSBA Revision 11/10
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