



Book	Policy Manual
Section	100 Programs
Title	Nondiscrimination in School and Classroom Practices
Number	103
Status	Active
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Authority

The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, creed, religion, gender, sexual orientation, ancestry, national origin or handicap/disability. [1][2][3][4][5][6][8][9][10][11][12][13][14][15][16][17][18][19][20]

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

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

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

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

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Assistant Superintendent as the district's Compliance Officer.

It shall be the duty of the Compliance Officer to monitor:

1. Training - Develop an ongoing program of inservice training for students and staff designed to identify and alleviate problems of racial, sexual, religious, national origin, cultural or handicap/disability bias in all aspects of the school program.
2. Student Access - Review current and proposed programs, activities and practices to ensure that all students have equal access and are not segregated on the basis of race, color, creed, gender, sexual orientation, national origin, or handicap/disability in any duty, work, play, classroom or school practice, except as may be permitted under federal and state regulations.
3. District Support - Ensure that like aspects of the school program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to facilities and equipment, and related matters.
4. Student Evaluation - Ensure that tests, procedures, and guidance and counseling materials designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged are not differentiated or stereotyped on the basis of race, color, creed, gender, sexual orientation, national origin, or handicap/disability.

The Compliance Officer may be assisted in these duties by a committee composed of teaching staff members, students, parents/guardians and other residents, and community/business people.

The Compliance Officer shall report to the Board on progress in the nondiscrimination program for school and classroom practices, as requested.

Guidelines

Rules, regulations, and grievance procedures are published in this Board-approved policy. Copies of this and all Board-approved policies are available and can be attained at our district website, www.tamaqua.k12.pa.us. Paper copies can be obtained upon written request to the Assistant Superintendent or appropriate personnel.

The Board directs that complaints of discrimination be investigated promptly, and corrective action be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

A complainant has the right to be accompanied by a third party during all steps of this procedure. S/He also has the right to present witnesses and other evidence that is pertinent to the complaint.

Notification of decisions rendered will be communicated to all parties at each phase of the grievance procedure. Copies of the outcome of the complaint shall be provided to the complainant, the accused, the Superintendent, and others directly involved, as appropriate.

Complaint Procedure

Step 1 – Reporting

A student or third party who believes s/he has been subject to conduct that constitutes a

violation of this policy is encouraged to immediately report the incident to the building principal.

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

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

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

Step 2 – Investigation

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

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

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

Step 3 – Investigative Report

The building principal shall prepare a written report 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.

Findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

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

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer with fifteen (15) days.

2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

Equivalence Between Schools

The Board directs that services in Title I schools and programs, when taken as a whole, shall be substantially comparable to services in schools and programs that do not receive Title I funds.[7]

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

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

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

The district shall develop administrative regulations to implement this policy and shall maintain records documenting compliance that are updated biannually.

Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with Policy 906 Public Complaints.

Legal

1. 24 P.S. 1310
2. 22 PA Code 4.4
3. 22 PA Code 12.1
4. 22 PA Code 12.4
5. 24 P.S. 5004
6. 20 U.S.C. 1681 et seq
7. 20 U.S.C. 6321
8. 29 U.S.C. 794
9. 42 U.S.C. 2000d et seq
10. 42 U.S.C. 12101 et seq
11. 22 PA Code 15.1 et seq
12. 43 P.S. 951 et seq
13. 24 P.S. 1301
14. 24 P.S. 1301-A
15. 24 P.S. 1601-C et seq
16. 42 U.S.C. 1981 et seq
- 17. Pol. 218**
- 18. Pol. 247**
- 19. Pol. 249**
20. U.S. Const. Amend. XIV, Equal Protection Clause
- 18 Pa. C.S.A. 2709
- 28 CFR Part 35
- 28 CFR Part 41
- 29 CFR 1604.11
- 29 CFR 1606.8
- 34 CFR Part 100
- 34 CFR Part 104
- 34 CFR Part 106
- 34 CFR Part 110
- Office for Civil Rights – Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties (January 2001)
- Office for Civil Rights - Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability (Oct. 26, 2010)
- Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)**
- Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)**
- Pol. 122**
- Pol. 123**
- Pol. 701**