

# SPRINGFIELD TOWNSHIP SCHOOL DISTRICT

SECTION: PROGRAMS

TITLE: NONDISCRIMINATION IN  
SCHOOL AND CLASSROOM  
PRACTICES

ADOPTED: October 1, 2013

REVISED: January 17, 2017

<p>1. Authority SC 1310, 1601-C et seq 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 Pol. 103.1</p>	<p style="text-align: center;">103. NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES</p> <p>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. Accordingly, the Board prohibits all forms of unlawful discrimination of students, employees or third parties, including harassment based on economic status, race, color, age, creed, religion, sex, sexual orientation, gender identity, ancestry, national origin, marital status, pregnancy, veteran’s status, genetic information or handicap/disability.</p> <p>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.</p> <p>The procedures set forth below for filing a complaint alleging discrimination apply to all complaints of discrimination filed against employees, students or third parties. The Board encourages students, employees and third parties who have been subject to discrimination to promptly report such incidents to designated employees as established by this policy.</p> <p>The Board directs that complaints of discrimination shall be adequately, reliably, promptly and impartially investigated, 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.</p> <p>No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.</p>
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<p>2. Delegation of Responsibility</p>	<p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Director of Special Education and Student Support Services as the District's Compliance Officer.</p> <p>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.</p> <p>The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:</p> <ol style="list-style-type: none"> <li>1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.</li> <li>2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.</li> <li>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.</li> <li>4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related areas.</li> <li>5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.</li> </ol> <p>The building principal or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:</p> <ol style="list-style-type: none"> <li>1. Inform the student, employee or third party of the right to file a complaint and the complaint procedure.</li> <li>2. Inform the student, employee or third party that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.</li> <li>3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.</li> <li>4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.</li> </ol>
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<p>3. Guidelines</p>	<p><u>Complaint Procedure – Student/Employee/Third Party</u></p> <p>At each step of the complaint procedure, including the appeal procedure, the complainant and alleged perpetrator may present witnesses and other evidence and have equal access to information being considered in the grievance process. The complainant may be represented by legal counsel. The alleged perpetrator may be represented by legal counsel. The standard used to investigate all complaints shall be a preponderance of the evidence standard (<i>i.e.</i>, more likely than not that sexual violence occurred). All decisions at each level shall be in writing and shall include supporting reasons. Copies of all decisions and recommendations shall be furnished promptly to the complainant and alleged perpetrator.</p> <p><b>Step 1 – Reporting</b></p> <p>A student, employee, 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.</p> <p>A student, employee, or third party who suspects or is notified that a student, employee or third party has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.</p> <p>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.</p> <p>The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.</p> <p><b>Step 2 – Investigation</b></p> <p>The building principal, within three (3) business days of receiving a complaint of discrimination, shall, via email, notify the Compliance Officer of the complaint of discrimination. The Compliance Officer shall then authorize the building principal or the building principal’s designee to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.</p> <p>The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The building principal or the building principal’s designee may also evaluate any other information and materials relevant to the investigation.</p> <p>If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the building principal shall inform law</p>
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enforcement authorities about the incident.

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

**Step 3 – Investigative Report**

The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) calendar 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 receive written notice of the outcome of the investigation, including the recommended disposition.

**Step 4 – District Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the District shall take prompt, corrective action to ensure that such conduct ceases and will not recur. As such, the District shall take steps to prevent the reoccurrence of any discrimination and remedy discriminatory effects on the complainant and others, if appropriate. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

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

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within ten (10) business 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) calendar days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

<p>20 U.S.C. Sec. 6321</p>	<ol style="list-style-type: none"> <li>4. If the complainant is not satisfied with the Compliance Officer's response to the appeal, s/he may submit a written appeal to the Superintendent within ten (10) business days.</li> <li>5. The Superintendent shall review the investigation and the investigative report and may also conduct a reasonable investigation.</li> <li>6. The Superintendent shall prepare a written response to the appeal within fifteen (15) calendar days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.</li> <li>7. If the complainant is not satisfied with the Superintendent's response to the appeal, s/he may submit a written appeal to the Board within five (5) business days.</li> <li>8. The Board shall prepare a written response to the appeal within fifteen (15) calendar days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation. The Board's decision shall be final.</li> </ol> <p><u>Equivalence Between Schools</u></p> <p>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.</p>
<p>Pol. 906</p>	<p>Curriculum materials, instructional supplies and percentages of highly qualified personnel shall be equivalent between all District schools when compared on a grade-span by grade-span basis or a school-by-school basis. Records documenting such compliance shall be updated biannually.</p> <p>The Board understands that equivalence between programs and schools shall not be measured by:</p> <ol style="list-style-type: none"> <li>1. Changes in enrollment after the start of the school year.</li> <li>2. Varying costs associated with providing services to students with disabilities.</li> <li>3. Unexpected changes in personnel assignments occurring after the beginning of the school year.</li> </ol>

<p>References:</p>	<p>4. Expenditures on language instruction education programs.</p> <p>5. Other expenditures from supplemental state or local funds consistent with the intent of Title I.</p> <p>Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with Board policy.</p> <p>School Code – 24 P.S. Sec. 1310, 1601-C et seq.</p> <p>State Board of Education Regulations – 22 PA Code Sec. 4.4, 12.1, 12.4, 15.1 et seq.</p> <p>Unfair Educational Practices – 24 P.S. Sec. 5004</p> <p>Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.</p> <p>No Child Left Behind Act – 20 U.S.C. Sec. 6321</p> <p>Section 504 of the Rehabilitation Act – 29 U.S.C. Sec. 794</p> <p>Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.</p> <p>Federal Anti-Discrimination and Civil Rights Laws –</p> <p>    20 U.S.C. Sec. 1681 et seq. (Title IX)</p> <p>    42 U.S.C. Sec. 2000d et seq. (Title VI)</p> <p>Federal Anti-Discrimination and Civil Rights Regulations –</p> <p>    28 CFR Part 35, Part 41</p> <p>    34 CFR Part 100, Part 104, Part 106, Part 110</p> <p>Board Policy – 000, 103.1, 122, 123, 701, 906</p>
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