

# FERNDALE AREA SCHOOL DISTRICT

SECTION: PROGRAMS

TITLE: NONDISCRIMINATION IN  
SCHOOL AND CLASSROOM  
PRACTICES

ADOPTED: JUNE 13, 2007

REVISED: DECEMBER 5, 2007  
AUGUST 21, 2013

<p>1. Authority SC 1310, <b>1601-C et seq</b> Title 22 Sec. 4.4, 12.1, 12.4, 15.1 et seq <b>24 P.S.</b> <b>Sec. 5004</b> <b>43 P.S.</b> <b>Sec. 951 et seq</b> <b>Title IX</b> 20 U.S.C. Sec. 1681 et seq 20 U.S.C. Sec. 6321 29 U.S.C. <b>Sec. 794</b> Title VI 42 U.S.C. Sec. 2000d et seq 42 U.S.C. Sec. 12101 et seq <b>Pol. 103.1</b></p> <p>2. Delegation of Responsibility</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 regardless of race, color, age, creed, religion, <b>sex</b>, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability.</p> <p>The district shall provide to all students, without discrimination, course offerings, counseling, assistance, and <b>in the rare cases where students are offered employment by the District</b>, employment by the District, 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 Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.</p> <p>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.</p> <p>No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.</p> <p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the <b>Business Manager</b> as the district's Compliance Officer.</p>
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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 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. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related **areas**.
5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

The building principal or designee 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 accused of the Complaint and its allegations and afford the accused, if he/she desires to so do, the opportunity to respond in writing to the allegations of the complaint and to name any witnesses that the accused believes should be interviewed to support the position of the accused if the accusations are denied.**
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

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<p>3. Guidelines</p>	<p><u>Complaint Procedure – Student/Third Party</u></p> <p>Step 1 – Reporting</p> <p>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.</p> <p>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.</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>Step 2 – Investigation</p> <p>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.</p> <p>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.</p> <p><b>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 enforcement authorities about the incident as well as the District Superintendent of the same.</b></p> <p><b>Notify the complainant and the accused of the progress at appropriate stages of the investigation.</b></p> <p>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.</p>
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<p>20 U.S.C. Sec. 6321</p>	<p>Step 3 – Investigative Report</p> <p>The building principal shall prepare <b>and submit</b> a written report to the <b>Compliance Officer</b> 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.</p> <p>The complainant and the accused <b>shall be informed of the outcome of the investigation, including the recommended disposition.</b></p> <p>Step 4 – District Action</p> <p>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. <b>District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.</b></p> <p>Disciplinary actions shall be consistent with the <b>Code of Student Conduct</b>, Board policies and <b>administrative regulations</b>, district procedures, applicable collective bargaining agreements, and state and federal laws.</p> <p><u>Appeal Procedure</u></p> <ol style="list-style-type: none"><li>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.</li><li>2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.</li><li>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.</li><li>4. If the accused is not satisfied with the disposition, he/she shall have such rights as may be accorded him/her under the administrative procedure act and /or any applicable bargaining agreement <b>and/or otherwise accorded him/her by applicable law or regulation.</b></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>
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<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. <b>Records documenting such compliance shall be updated biannually.</b></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><li>4. Expenditures on language instruction education programs.</li><li>5. Other expenditures from supplemental state or local funds consistent with the intent of Title I.</li></ol> <p>Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with <b>Board policy.</b></p> <p>References: School Code – 24 P.S. Sec. 1310, 1601-C et seq. 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.</p> <p>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)</p> <p>Federal Anti-Discrimination and Civil Rights Regulations – 28 CFR Part 35, Part 41 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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